

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

BOARD MEETING

DECEMBER 9, 1991

**JAMES H. JENKINS, JR.
CHAIRMAN**

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
and are not a verbatim transcript of the proceedings.

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Louisiana Department of Wildlife and Fisheries

2000 Quail Drive

Baton Rouge, Louisiana 70808

For more information call (504) 765-2806

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
DECEMBER 9 , 1991

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

December 9, 1991

Chairman James H. Jenkins, Jr. presiding.

Monday, December 9, 1991

Houston Foret
Bert Jones
Norman McCall, Vice Chairman
Warren Pol
Jeff Schneider
Pete Vujnovich

Secretary A. Kell McInnis III was also present.

Chairman Jenkins called for a motion for approval of the November 8, 1991, Commission Minutes. A motion for approval was made by Mr. Vujnovich and seconded by Mr Schneider. The motion passed unanimously.

The Trout Plan was discussed with Mr. Pol advising that at the Committee meeting the statute that is to be presented to the Legislative Oversight Committee has been revised. A letter from Representative Randy Roach, Chairman of the Oversight Committee, was received asking that the Commissioners attend the meeting to explain the reason of justification for the proposed regulations. A short discussion ensued on the contents of the letter and it was recommended that Secretary McInnis write a letter to Representative Roach saying what position is being taken and that he and Chairman Jenkins will be attending. Action taken at the committee meeting extended the length of time along with a few legal changes which were recommended by the department's attorney. Legal Counsel, Don Puckett, read the revised notice of intent into the record. Mr. Jones made a motion that the Commission adopt the amendments to the notice of intent on spotted seatrout and submit them to the Legislative Oversight Committee. The motion was seconded by Mr. Pol. There being no discussion from the Commission or comments from the public a vote was called on the motion. The motion passed unanimously.

(The full text of the notice of intent is made a part of the record)

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses its intent to adopt rules and regulations affecting the management of the spotted seatrout fishery in Louisiana.

TITLE 76 WILDLIFE AND FISHERIES Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

Section 341. Spotted Seatrout Management Measures

The proposed rules and regulations are as follows:

A. There shall be a closed season for the commercial take from Louisiana waters, and a prohibition of the commercial possession of spotted seatrout, including but not limited to a prohibition of the possession of spotted seatrout on any vessel possessing or fishing any seine, gill net, trammel net, or hoop net, whether taken from within or without Louisiana waters, and the commercial sale, barter, or trade of spotted seatrout in Louisiana from 12:01 AM May 1 until midnight September 14 of every year.

B. There shall be a prohibition of the commercial take from Louisiana waters, and the commercial possession of spotted seatrout on the waters of the state, including but not limited to a prohibition of the possession of spotted seatrout during the closed period on any vessel possessing or fishing any seine, gill net, trammel net, or hoop net, whether taken from within or without Louisiana waters from sunset Friday through sunset Sunday for every weekend of the open commercial spotted seatrout season.

C. The annual commercial quota for spotted seatrout shall be one million pounds.

D. The commercial season for spotted seatrout shall be closed each year on 12:01 A.M. May 1, or when the quota has been reached, or when the staff of the Department of Wildlife and Fisheries predicts the one million pound quota will be met, whichever comes first.

E. Nothing shall prohibit the possession, sale, barter or exchange by commercial fishermen off the water of fish legally taken during any open period, or commercial dealers and anyone

other than a commercial fisherman licensed to sell, barter or exchange spotted seatrout from possessing, selling, bartering or trading spotted seatrout taken legally during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4.

This rule shall become effective on February 20, 1992.

AUTHORITY NOTE: Promulgated in accordance with Act Number 157 of the 1991 Regular Session of the Louisiana Legislature, R.S. 56:6(25)(a); 56:325.3; 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18: (1992).

Interested persons may submit written comments on the proposed rule to the following address before November 15, 1991: Acting Secretary, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, La. 70898-9000.

James H. Jenkins, Jr.
Chairman

The Environmental Group of America represented by Mr. Cyres Sevin was to address the Commission but Mr. Sevin was involved in an accident and had to be in court on this day. This item will be rescheduled.

The Fish Kills issue was addressed by Mr. Jones. Mr. Matthew Keppinger, Assistant Commissioner, Agriculture Environmental Science Programs, Mr. Bobby Simoneaux, Director of the Pesticide and Environmental Programs, Mr. David Fields, Assistant Director of Pesticide, Mr. Larry Lejeune, Assistant Director of Pesticide, and Mr. Peter Grandy, Program Coordinator for Food Safety from the Louisiana Department of Agriculture attended the Commission meeting and gave a presentation on the investigations of the fish kills that took place during the summer. Mr. Keppinger gave a brief overall review. Upon conclusion of the investigations it was determined that 15 of the 32 pesticides related fish kills either caused or contributed to the fish kill. In 17 of the 32 fish kills it was determined that it dissolved or was not determined. Reports that over spray were causing the fish kills were not the case.

Mr. Simoneaux gave a step by step account of the fish kills this past summer. Conclusions on four of the kill sites were given. One kill was caused by oxygen depletion; one a combination of low dissolved oxygen and the present of azinphos methyl; one a result of the azinphos methyl; and one in which no determination could be made. Actions taken by the Department of Agriculture this summer on the fish kills were explained. All necessary resources and

personnel were utilized; the lab was to run fish kill samples with priority; expand ongoing water monitoring program for pesticides; the taking of water at all fish kill sites and monitoring of waterways in the sugar cane areas; field personnel and lab were to check for illegal pesticide use; prepare maps of the sugar cane areas showing sprayed fields near fish kill sites; maps would also show drainage that affected local canals and bayous; daily report from the director or assistant director of pesticides; and request technical assistance from Mobay. Following actions were taking in addition to the normal work plan for the monitoring of pesticides. Inspectors were notified that immediate on site complaint investigation and sample collection were to be made upon notification of a fish kill; Louisiana State University notified to focus on analyzing water and fish samples from the kill sites; manufacturers of azinphos methyl were notified; a past registrant of azodrin was notified; other agencies and organizations (LSU Agri Center, LA Department of Wildlife and Fisheries, U.S. Environmental Protection Agency, LA Department of Environmental Quality and LA Department of Health and Hospitals) were notified; and various trade organizations in the sugar cane area were notified. A strategy plan to monitor application of pesticides in the area was written and approved as a working plan. The plan included a water monitoring program, a surface water monitoring program, environmental monitoring program, analysis of samples, state agencies and sugarcane interest, and identification and mapping of parish fish kill occurrences. A Blue Ribbon panel was formed which is an independent group of scientists to objectively analyze the data in order to arrive at conclusions in regards to the causes of the fish kills and make recommendations to the Department of Agriculture and Forestry regarding means and methods in responding to fish kills. The Louisiana Department of Agriculture and Forestry has the responsibility to investigate the circumstances of fish kills with regard to possible related pesticide use violations. The department responded to and investigated 32 fish kills which occurred in 16 parishes throughout Louisiana. Arising out of these investigations and other collectorial monitoring, the department took the following enforcement actions. Cooperated with the manufacture of azinphos methyl and suspended the sale, use and application of the pesticide on sugar cane; issued 53 stop orders; suspended three aerial applicator's certifications; issued three protective orders; supervised the cleanup of two pesticide spills; and currently have identified 22 incidents of pesticide use violations for additional enforcement action. It was pointed out that out of the 32 fish kills that were investigated by the Department of Agriculture the conclusions were that eight were caused by the presence of azinphos methyl; six were caused by a combination of low dissolved oxygen and the presence of azinphos methyl; 11 were clearly low oxygen level; 1 was not substantiated; 1 was the result of the presence of endosulphane; one was clearly from mechanical mishaps; and four could not be determined. Mr. Keppinger presented the Department of Agriculture's plan for future fish kills. This is a comprehensive plan of action to

upgrade the response in future fish kills. The plan includes training, label modifications, administrative policy procedures, monitoring enforcement and a fish kill panel. The water monitoring plan was discussed by Mr. Butch Stegel. There will be 88 stations and more can be added if needed.

Upon conclusion of the presentation questions were asked by the Commissioners on investigating of pesticides and fish kills, procedures, responsibility and coordination, if citations were written and procedure of such, who is to blame and who is to pay, if legislation was needed to handle this problem, permit requirements, funding of improvements, capability of handling the problems, and status of the 28 cases that came before the Agriculture Board. Department of Agriculture representatives advised that when they can they will bring violators to be prosecuted and under pesticide laws the Agriculture Department cannot issue citations, but believes DEQ and Wildlife and Fisheries can. The Agriculture Department can pull violator's licenses under the Administrative Procedure Act which allows the Commissioners or anyone in public office in an emergency to do this but they cannot suspend licenses under the pesticide law. When licenses are suspended the violators are charged with violations of the law and are brought before a judicatory hearing. A combined joint effort was encouraged by the Commission on this problem. Concluding, the Commission thanked the Louisiana Department of Agriculture for their presentation.

Chairman Jenkins asked if any of the public would like to comment on this issue.

Mr. Steve Wilson, Lafourche Parish, addressed the Commission and commented that there needs to be some kind of pesticide alert regardless of what the weather conditions are.

Mr. John Roussel presented data to Set the Offshore Shrimp Season Closure in certain portions of the Gulf along with a resolution for an emergency declaration. It was recommended that the season in the portion of Louisiana offshore territorial waters from the Mississippi state line to South Pass of the Mississippi River and in the portion of Louisiana offshore territorial waters from the eastern shore of Whiskey Pass in Terrebonne Parish to the western shore of Vermilion Bay close on 12:01 a.m. January 1, 1992. It was further recommended that the Secretary of the department be authorized to close the season in a part or all of those parts of the State territorial waters in Zones II and III remaining open, if enforcement problems arise or if biological data indicates the need to do so and also that the Secretary be authorized to set special pink shrimp seasons or special white shrimp seasons if technical data indicates sufficient quantities of marketable shrimp are available.

Chairman Jenkins called for discussion by the Commissioners. Mr. Foret commented and felt that this was not the thing to do because of the seabob fishery, and the boundary line problem with Enforcement and recommended that the Gulf be left alone, no hundred count and that sanctuaries be established. Texas is getting all of Louisiana's shrimp said Mr. Foret. Further discussion ensued between Mr. Foret, Mr. McCall, Major Charlie Clark and Mr. Roussel on these issues. Mr. McCall also recommended that the offshore season be left open year round. Discussion continued on the Shrimp Task Force, the three mile limit and the Shrimp Management Plan.

Chairman Jenkins called for comments from the public. The following people addressed the Commission.

Levi Burnet, Jr., commercial fisherman, President of Louisiana Fishermen, agrees with Mr. Foret and wants the Gulf left open year round.

Andy Valence, Mayor of Grand Isle, requested that the Gulf be left open.

Dean Blanchard, owner of Blanchard's Food, Inc., presented economic data showing comparison of shrimp prices for the years 1990 and 1991 and commented that the Gulf should be left open.

Donald Liret, President, Terrebonne Fishermen's Organization, Vice Chairman, Barataria-Terrebonne Estuary Program and Citizen's Committee, agrees with Mr. Foret's comments and recommended that the resource be managed for the people of Louisiana, not Texas, and commented on the feasibility of creating sanctuaries out of the marsh restoration projects.

Chairman Jenkins at this point requested that Mr. Roussel give a history on the offshore shrimping area, the way it was in the past, when it was changed, etc. Mr. Roussel proceeded to give the history. Upon conclusion, the Commissioners questioned Mr. Roussel on the season and biological data. Discussion ensued between Mr. Roussel, Mr. McCall, Mr. Pol, Mr. Schneider and Mr. Jones on data, increased production, on leaving the season open year around, hundred count law, three mile limit, sanctuaries and shrimp plan. Mr. McCall suggested that the season be left open and go by the hundred count. Dr. Jerry Clark was asked to give the status on the shrimp plan and if sanctuaries were going to be addressed in the plan. Dr. Clark advised that there is a chapter in the plan on shrimp sanctuaries. LSU was to deliver the first draft at the end of last month but as of this date it has not been received. Chairman Jenkins asked if there were any other comments.

Steve Wilson, Lafourche Parish, is concerned about the Commissioners not receiving data on this so that a decision could be made. Guidelines need to be set up so that information is given to the Commissioners far in advance. Any kind of decision in any-

one's best interest cannot be made when questions are being asked five minutes before voting on an issue. This is a serious problem, he said.

Mitch Theriot, Mathews, LA, Representative Elect for District 54, (southern part of Lafourche Parish and Grand Isle) requested that the Commissioners follow Mr. Foret's lead and do not close the Gulf of Mexico to the shrimping industry as this industry is vital to his district. He will do everything in his power as a legislator to see to it that it does remain open.

Ronald Picou, commercial fishermen, asked the Commissioners to consider what was being proposed to them for the benefit of the fishermen and the economy of the State of Louisiana; keep the Gulf open.

Roy Burke, Roy's Shrimp Company, Leeville, LA, requested that the Gulf be kept open year round.

Chairman Jenkins called on Legal Counsel, Mr. Don Puckett, and questioned the legal responsibility of the Commission for managing the season. It was advised that the Commission shall have the authority to open or close outside waters by zones each year as it deems appropriate based upon technical and biological information data which indicates that marketable shrimp in sufficient quantities are available for harvest. The hundred count provision says that during the spring open season defined in 497(a) there shall be no limitation as to count on any saltwater shrimp; (b) (1) states except as otherwise provided the possession count on saltwater white shrimp shall average no more than 100 specimens to the pound. Such count shall apply to the taking or possession of such shrimp aboard a vessel or at the dock except for shrimp that are legally documented as having been taken elsewhere. When more than fifty percent by weight taken or possessed of seabobs in a maximum allowable amount of undersize white shrimp taken or possessed shall not exceed ten percent. There is an exception for bait shrimp.

At this point, Mr. Foret made a motion that this shrimp plan be postponed until next month's meeting. The motion was seconded by Mr. McCall and passed unanimously.

Chairman Jenkins recessed the meeting for lunch until 1:30 p.m.

Chairman Jenkins called the meeting to order and proceeded with the items on the agenda.

An Update on Deer and Duck Seasons In Progress was give by Mr. Hugh Bateman. Mr. Bateman gave a brief review of the early November deer hunting season in Areas 2 and 3. There was excellent early hunting success partially due to the break in the weather conditions and there were no major problems. Some of the wildlife

management areas in the western part of the state experienced the best hunting success that they have had in several years. Another season opened November 23rd in Areas 1 and 6 with no major problems but there was warm weather. The hunting success was good in some areas but was not the best for hunter comfort or having animals move. Overall the WMA's managed deer hunts over the Thanksgiving holidays were very successful in several regards. Numbers indicate that the highest number of hunting participants have taken one of the record harvest in terms of deer and the success rate in terms of hunting efforts per animal taken has been good. Statewide on the WMA's there has been over 40,000 hunting efforts with close to 3,500 deer taken. Hunter's safety has been strongly emphasized this year through the department and sportswriter's columns. There has been one fatal hunting accident on a WMA this year and occurred at Fort Polk. Statewide there have been four fatal accidents.

Concluding, Mr. Bateman was questioned by Mr. Jones on the hunters participation in north Louisiana on some of the WMA's (Big Lake, Boeuf, and Saline) that had come under great duress concerning either-sex hunting. As a result of the negative publicity about the lack of deer on these WMA's last year these areas experienced about a forty percent decline in number of hunters. Other public areas opened early in the western part of the state this year which attracted hunters and may have accounted for part of the decline in hunting effort on the these WMA's. A breakdown of hunter's efforts and kills were given for each area. The department does and has maintained a position that either-sex hunting should occur on these WMA's and bears out the position that there remains a good deer herd on the areas. There is no reason for the department to change their management of these areas.

Mr. Robert Helm was asked to give the update on the waterfowl season. The waterfowl survey was finished just prior to the hunting season in the west zone. Surveys of Catahoula Lake and the coastal zone indicated that there were 2.8 million ducks within the area which was up twenty five percent from last year and highest recorded since 1980. There were record low temperatures in early November forcing a lot of the waterfowl to head south. The habitat conditions were very good this year being wetter than it has been in the past few years and water levels in the marsh were up above average. In the southwest coastal zone hunting success is reported to be much reduced. Moving west, in the areas of Burn, Mermentau and west of the Calcasieu, hunting success appears to have been high. In the rice country in southwest Louisiana there was poor hunting success but goose hunting has been good. Southeast Louisiana was hampered by fog, warm weather and low tides; however, the hunting in places such as the Delta Mississippi was good, Biloxi WMA was poor, Delacroix area was good. Hunting on Catahoula Lake started very well but fell off as the birds were just moving in mass instead of groups. In the northeast area the hunting in the river bottoms was good, particularly along the Mississippi River, Ouachita River and Boeuf but poor hunting in the fields.

Waterfowl hunting reports were given on Manchac WMA, Catahoula, District VI, Pass-a-Loutre, Atchafalaya Delta, and Pointe-au-Chien. Concluding, Mr. Helm advised that the second survey was to begin today but due to the weather it was cancelled; however it should be finished by the end of the week .

A Resolution/Notice of Intent on Seismic Fee Schedule, 3-D Airguns was presented by Ms. Bettsie Baker. The rule is being amended to incorporate 3-D seismic fees with the use of airguns in the oyster red line area. This is a relatively new technology that has been used on land principally and is now being incorporated into shallow water areas. The department has been meeting with oil industry representatives for the last thirteen months evaluating everything from the environmental impacts, habitat impacts and biological impacts by the use of airguns. The department has also met with the Minerals Subcommittee to discuss this issues. Ms. Baker read the resolution and notice of intent on seismic fees. Following the reading of the resolution and notice of intent the Commissioners questioned Ms. Baker on how this was going to affect the oyster lease holders, fees compability to dynamite rates and if this would cause a loss to the department. Ms. Anna Shaunssey representing the oil industry and the International Association of Geophysical Contractors spoke on the schedule of fees for the 3-D Airgun. She said the fees are a lot higher than were discussed at the meetings over the last year and as they stand now the companies see them at least double of the dynamite fees. They would like to discuss this with the Commission and show them a little more in detail how the fees are calculated for dynamite and also give examples of the two different surveys. The industry cannot support these high fees. A short discussion ensued on the 3-D Airguns fees and it was decided that the industry would make a presentation to the Commission at the January 7th meeting. Chairman Jenkins called for a motion on the resolution with attached notice of intent. A motion was made by Mr. Schneider and seconded by Mr. McCall. The motion passed unanimously.

(The full text of the resolution is made a part of the record)

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
SEISMIC FEES

WHEREAS, Title 76:301 (AG) requires the Louisiana Wildlife and Fisheries Commission to periodically review seismic fees,

THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby give notice of its intent to amend rules and regulations for seismic fees, the Notice of Intent attached to and made a part of this resolution is hereby approved.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

December 9, 1991

James H. Jenkins
Chairman

A. Kell McInnis III
Acting Secretary

(The full text of the notice is
made a part of the record)

NOTICE OF INTENT
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses its intent to amend and adopt rules and regulations pertaining to seismic operations and the use of airgun surveys on designated red lined oyster grounds belonging to the state of Louisiana.

TITLE 76
WILDLIFE AND FISHERIES

PART I. WILDLIFE AND FISHERIES COMMISSION AND
AGENCIES THEREUNDER

Chapter 3. Special Powers and Duties

Subchapter A. Seismic Exploration

301. Regulation

The proposed amendment is as follows:

AG. Seismic operators making application to work on any designated red lined oyster seed ground belonging to the state of Louisiana will be required to pay the following fees in addition to the supervisory fees: \$100 per drilled shot hole or \$1000 per

linear mile, whichever is greater, for reflective or refractive cable. For airguns only, the following fees apply: \$1000 per linear mile in water depths less than or equal to five feet; \$ 400 per linear mile in water depths greater than five feet and less than or equal to 10 feet deep; \$ 200 per linear mile in water depths greater than 10 feet; OR, for 3-D airgun surveys: \$25000 per square mile in water depths less than or equal to five feet; \$ 10000 per square mile in water depths greater than five feet and less than or equal to 10 feet deep; \$ 5000 per square mile in water depths greater than 10 feet.

All of these fees are to be paid in advance. All fees will be reviewed each January.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:214 and R.S. 36: 609.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:300 (August 1978), amended LR 10:410 (May 1984), LR 13:115 (February 1987), amended LR 18: (1992).

Interested persons may submit written comments on the proposed rule to the following address before February 14, 1992: Karen Foote, Administrator, Fisheries Research Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

James H. Jenkins, Jr.
Chairman

Ms. Wynnette Kees presented an Update on Civil Penalties Restitution Program. The department collected 54 payments for the month of November totalling about \$4,300. Information packages were sent to 150 Judges and 42 District Attorneys which should help get the word out about the program.

The Monthly Law Enforcement Program was given by Lt. Colonel Charlie Clark. The following number of cases were made in the Regions for the month of November.

Region I - 215 cases.

Region II - 164 cases.

Region III - 183 cases.

Region IV - 98 cases.

Region V - 243 cases.

Region VI - 121 cases.

Region VII - 238 cases.

Region VIII - 356 cases.

Region IX - 374 cases.

The Oyster Strike Force made 68 cases and SWEP made 9 cases. The total number of cases made for the month of November was 2,084. This is the time of year when the number of boating cases decline and the number of hunting cases increase. The Commissioners questioned Lt. Colonel Clark on some of the cases. It was clarified that the cases made by the Oyster Strike Force were not duplicated in the Region's case report and are filed directly through Major Tommy Candies' office. The hunting from a moving vehicle violation is generally in connection with hunting at night and shining. It was advised that this was the month that the SWEP crew took leave. It was clarified that a person did not have to have a hunting license to buy a Louisiana Duck Stamp and there were a few parishes (Lincoln and East Carroll) that won't sell them unless a person has his hunting license. About three years ago the people who sold the licenses in the different Sheriff's offices were brought in for a training session and it was suggested that another training session might be in order.

Secretary McInnis gave the D. A.'s Report. A synopsis of the reporting system was given. The input began on October 1st, and both the citation and disposition data is being entered now by the Regional secretaries. Training was provided for the regional personnel. The Class 1 violations and civil restitutions are strictly an in house program and do not go through the District Attorney's offices. This makes the same amount of work for the department but reduces the amount of reports that the District Attorney has to return to the department. This should enable the D.A.'s to give better attention to the cases that are there before him. There is still some confusion on some of the cases where the they have been changed to a Class I due to legislative action but this is being worked out.

The Secretary's Report was given to the Commissioners by Secretary McInnis. Mr. McInnis reported on the Sicily Island Hills tract which was signed and purchased last week; the non-navigable waterbottoms project and the Phillips decision; Coastal Wetland Task Force joint meeting between the technical and executive committees; oversight on Confidentiality proposed rule which passed with the modification of adding the Legislative Committee; ongoing meetings with the Transition Team; working with staff to refine the alligator rules; activities going on in the Habitat Conservation Division; commercial seatrout landings in October were 44,764 pounds which brings the total to 72,094 pounds. Upcoming meetings are the Marine Recreational Board and a meeting between Louisiana,

Mississippi and Alabama in Biloxi, Mississippi pertaining to boarder problems from state to state.

Legal Counsel, Mr. Don Puckett, presented the Amended Commission By Laws to the Commission. Draft copies of the by laws were sent to each of the Commissioners. Mr. Puckett presented the changes individually which were few and minimal. Upon completion of presentation Mr. Schneider made a motion that the amended Commission By Laws be adopted. The motion was seconded by Mr. Vujnovich and passed unanimously.

The Election of LWFC Chairman and Vice Chairman was held. Mr. Schneider nominated Mr. James H. Jenkins, Jr. as Chairman for 1992 and Mr. Norman McCall as Vice Chairman for 1992. There being no other nominations, Mr. Pol moved that the nominations be closed and accepted with Mr. Vujnovich seconding the motion. Chairman Jenkins called for a vote on the motion. The motion passed unanimously.

Chairman Jenkins called for Public Comments.

Mr. Charles Leday, Terrebonne Parish, addressed the Commission on the hunting regulations (restrictions) in Kisatchie National Forest and also the muzzleloader season. There are private lands inside forest boundaries which allows those hunters belonging to hunting clubs to hunt 61 days while the public can only hunt 21 days. He does not believe the deer will repopulate with regulations like this. The only ones that will benefit are the hunting clubs and the public will be left out. The muzzleloader season is in between two gun seasons which causes problems with the deer settling down long enough for the muzzleloader hunter to shoot at. This season should be put two weeks before the gun season ever opens up. Also, since the season is only from Monday through Friday a lot of people cannot hunt. It was explained to Mr. Leday that the regulations do not restrict a person to hunt only during muzzleloader season with a muzzleloader and a person can hunt 66 days in Area 2 with a muzzleloader.

Mr. Don Puckett, Legal Counsel, addressed the Commission. Mr. Puckett asked the Commissioners to waive the rules to formally take up an item that was not published on the agenda. The item concerns Unfinished Business Regarding Dravo Dredging Company's Lease in Pontchartrain pertaining to the payment of the guaranteed annual minimal royalty for the last year of their lease wherein dredging was suspended because of lack of a permit from DEQ. A motion to waive the rules was called for by Chairman Jenkins. Mr. Schneider made a motion to waive the rule and take up this item. The motion was seconded by Mr. Jones and passed unanimously. This item was taken up in September of last year and from the comments made it was the Commission's inclination to waive the guaranteed annual minimal royalty. The lease provides if for some reason the lessee cannot dredge because of permit restrictions or suspension it is the Commission's prerogative to waive the \$640,000 per year.

Dravo's dredging during the first portion of the lease more than covered three times \$640,000. At this time, Mr. Puckett asked Mr. Pete Franklin of Dravo and Mr. Jim Burton, Outside Counsel for Dravo, to address the Commission and present their case for waiving the guaranteed annual minimal royalty for the 1990-91 dredging year.

Before Mr. Franklin and Mr. Burton took the floor, Mr. Jones asked about the status of the shell mitigation. It was explained that the plan that was worked out and acceptable to everyone was contingent upon some sub-contract or other arrangements between Dravo and Louisiana Materials, which has the new lease. If an arrangement could not be worked out they would have to renegotiate with the Commission. Both of the parties were advised that the Commission and department needed to know if the possibility of a sub-contact was a reality so that alternative negotiations or litigation could be considered. No answer has been received as of this date as the President of Louisiana Dredging is in London and Mr. Puckett has asked that he call either today or tomorrow. Chairman Jenkins asked about time constraints for waiving the minimal royalty payments and it was advised that this could be done at any time. Chairman Jenkins suggested that the Commission wait and see if the shell dredging matter was going to be resolved before the minimal royalty payment be taken up.

Mr. Franklin and Mr. Burton went on to address the Commission on the royalty issue. Mr. Burton and Mr. Franklin explained the situation concerning the DEQ waste water discharge permit and the "cease and desist" order from the Louisiana Department of Wildlife and Fisheries. A waiver of the minimal royalty for the last year was requested and in September it was decided that the request was reasonable and would be treated fairly as there was no indication that Dravo would ever get to dredge, therefore the issue would be deferred until the end of the lease term. Dravo never did get to dredge but still has a bid bond which is supported by letters of credit and this is a financial hardship on the company. Mr. Burton asked that this item not be deferred today. On the other issue, shell mitigation, Dravo has been addressing this in good faith and there have been several problems. At this time Mr. Franklin addressed the Commission on the shell mitigation issue reiterating the good faith that Dravo has put forward in this matter and the circumstances that took place. Upon conclusion of discussion on this issue between Dravo and Commissioners, Chairman Jenkins asked what was the pleasure of the Commission. There being no motion to waive the minimal royalty payments therefore no action was taken on this matter.

Chairman Jenkins called for other public comments. There being no other business to be brought before the Commission, Chairman Jenkins called for a motion to adjourn the December 9, 1991, Commission meeting. A motion was made by Mr. McCall for

Adjournment of the meeting and seconded by Mr. Jones. Chairman Jenkins called for a vote on the motion. The motion passed unanimously.

A. Kell McInnis III
A. Kell McInnis III
Secretary

AKM:sb

Draft

*all corrections made
12-13-91
JS*

MINUTES OF THE MEETING
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Secretary A. Kell McInnis III was also present.

Chairman Jenkins called for a motion for approval of the November 8, 1991, **Commission Minutes**. A motion for approval was made by Mr. Vujnovich and seconded by Mr. Schneider. The motion passed unanimously.

The **Trout Plan** was discussed with Mr. Pol advising that at the Committee meeting the statute that is to be presented to the Legislative Oversight Committee has been revised. A letter from Representative Randy Roach, Chairman of the Oversight Committee, was received asking that the Commissioners attend the meeting to explain the reason of justification for the proposed regulations. A short discussion ensued on the contents of the letter and it was recommended that Secretary McInnis write a letter to Representative Roach saying what position is being taken and that he and Chairman Jenkins will be attending. Action taken at the committee meeting extended the length of time along with a few legal changes which were recommended by the department's attorney. Legal Counsel, Don Puckett, read the revised notice of intent into the record. Mr. Jones made a motion that the Commission adopt the amendments to the notice of intent on spotted seatrout and submit them to the Legislative Oversight Committee. The motion was seconded by Mr. Pol. There being no discussion from the Commission or comments from the public a vote was called on the motion. The motion passed unanimously.

(The full text of the notice of intent is made a part of the record)

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses its intent to adopt rules and regulations affecting the management of the spotted seatrout fishery in Louisiana.

TITLE 76
WILDLIFE AND FISHERIES
Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

Section 341. Spotted Seatrout Management Measures

The proposed rules and regulations are as follows:

A. There shall be a closed season for the commercial take from Louisiana waters, and a prohibition of the commercial possession of spotted seatrout, including but not limited to a prohibition of the possession of spotted seatrout on any vessel possessing or fishing any seine, gill net, trammel net, or hoop net, whether taken from within or without Louisiana waters, and the commercial sale, barter, or trade of spotted seatrout in Louisiana from 12:01 AM May 1 until midnight September 14 of every year.

B. There shall be a prohibition of the commercial take from Louisiana waters, and the commercial possession of spotted seatrout on the waters of the state, including but not limited to a prohibition of the possession of spotted seatrout during the closed period on any vessel possessing or fishing any seine, gill net, trammel net, or hoop net, whether taken from within or without Louisiana waters from sunset Friday through sunset Sunday for every weekend of the open commercial spotted seatrout season.

C. The annual commercial quota for spotted seatrout shall be one million pounds.

D. The commercial season for spotted seatrout shall be closed each year on 12:01 A.M. May 1, or when the quota has been reached, or when the staff of the Department of Wildlife and Fisheries predicts the one million pound quota will be met, whichever comes first.

E. Nothing shall prohibit the possession, sale, barter or exchange by commercial fishermen off the water of fish legally taken during any open period, or commercial dealers and anyone

other than a commercial fisherman licensed to sell, barter or exchange spotted seatrout from possessing, selling, bartering or trading spotted seatrout taken legally during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4.

This rule shall become effective on February 20, 1992.

AUTHORITY NOTE: Promulgated in accordance with Act Number 157 of the 1991 Regular Session of the Louisiana Legislature, R.S. 56:6(25)(a); 56:325.3; 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18: (1992).

Interested persons may submit written comments on the proposed rule to the following address before November 15, 1991: Acting Secretary, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, La. 70898-9000.

James H. Jenkins, Jr.
Chairman

The **Environmental Group of America** represented by Mr. Cyres Sevin was to address the Commission but Mr. Sevin was involved in an accident and had to be in court on this day. This item will be rescheduled. }

The **Fish Kills** issue was addressed by Mr. Jones. Mr. Matthew Keppinger, Assistant Commissioner, Agriculture Environmental Science Programs, Mr. Bobby Simoneaux, Director of the Pesticide and Environmental Programs, Mr. David Fields, Assistant Director of Pesticide, Mr. Larry Lejeune, Assistant Director of Pesticide, and Mr. Peter Grandy, Program Coordinator for Food Safety from the Louisiana Department of Agriculture attended the Commission meeting and gave a presentation on the investigations of the fish kills that took place during the summer. Mr. Keppinger gave a brief overall review. Upon conclusion of the investigations it was determined that 15 of the 32 pesticides related fish kills either caused or contributed to the fish kill. In 17 of the 32 fish kills it was determined that it dissolved or was not determined. Reports that over spray were causing the fish kills were not the case.

Mr. Simoneaux gave a step by step re-~~encounter~~ ^{account} of the fish kills this past summer. Conclusions on four of the kill sites were given. One kill was caused by oxygen depletion; one a combination of low dissolved oxygen and the present of azinphos methyl; one a result of the azinphos methyl; and one in which no determination could be made. ~~An account of the~~ ^{actions} taken by the Department of Agriculture this summer on the fish kills were explained. All

necessary resources and personnel were utilized; the lab was to run fish kill samples with priority; expand ongoing water monitoring program for pesticides; the taking of water at all fish kill sites and monitoring of waterways in the sugar cane areas; field personnel and lab were to check for illegal pesticide use; prepare maps of the sugar cane areas showing sprayed fields near fish kill sites; maps would also show drainage that affected local canals and bayous; daily report from the director or assistant director of pesticides; and request technical assistance from Mobay. Following actions were taking in addition to the normal work plan for the monitoring of pesticides. Inspectors were notified that immediate on site complaint investigation and sample collection were to be taken upon notification of a fish kill; Louisiana State University notified to focus on analyzing water and fish samples from the kill sites; manufactures of azinphos methyl were notified; a past registrant of azodrin was notified; other agencies and organizations (LSU Ag Center, LA Department of Wildlife and Fisheries, U.S. Environmental Protection Agency, LA Department of Environmental Quality and LA Department of Health and Hospitals) were notified; and various trade organizations in the sugar cane area were notified. A strategy plan to monitor application of pesticides in the area was written and approved as a working plan. The plan included a water monitoring program, a surface water monitoring program, environmental monitoring program, analysis of samples, state agencies and sugarcane interest, and identification and mapping of Parish fish kill occurrences. A Blue Ribbon panel was formed which ~~was~~ is an independent group of scientists to objectively analyze the data in order to arrive at conclusions in regards to the causes of the fish kills and make recommendations to the Department of Agriculture and Forestry regarding means and methods in responding to fish kills. The Louisiana Department of Agriculture and Forestry has the responsibility to investigate the circumstances of fish kills with regard to possible related pesticide use violations. The department responded to and investigated 32 fish kills which occurred in 16 parishes throughout Louisiana. Arising out of these investigations and other collectorial monitoring, the department took the following enforcement actions. Cooperated with the manufacture of azinphos methyl and suspended the sale, use and application of the pesticide on sugarcane; issued 53 stop orders; suspended three aerial applicator's certifications; issued three protective orders; supervised the cleanup of two pesticide spills; and currently have identified 22 incidents of pesticide use violations for additional enforcement action. It was pointed out that out of the 32 fish kills that were investigated by the Department of Agriculture the conclusions were that eight ~~was~~ were caused by the presence of azinphos methyl; six ~~was~~ were caused by a combination of low dissolved oxygen and the presence of azinphos methyl; 11 were clearly low oxygen level; 1 was not substantiated; 1 was the result of the presence of endosulphane; one was clearly from mechanical; and four could not be determined.

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Mr. Keppinger presented the Department of Agriculture's plan for future fish kills. This is a comprehensive plan of action to upgrade the response in future fish kills. The plan includes training, label modifications, administrative policy procedures, monitoring enforcement and a fish kill panel. The water monitoring plan was discussed by Mr. Butch Stegel. There will be 88 stations and more can be added if needed.

Upon conclusion of the presentation questions were asked by the Commissioners on investigating of pesticides and fish kills, procedures, responsibility and coordination, if citations were written and procedure of such, who is to blame and who is to pay, if legislation was needed to handle this problem, permit requirements, funding of improvements, capability of handling the problems, and status of the 28 cases that came before the Agriculture Board. Department of Agriculture representatives advised that when they can they will bring violators to be prosecuted and under pesticide laws the Agriculture Department cannot issue citations, but believes DEQ and Wildlife and Fisheries can. The Agriculture Department can pull violator's licenses under the Administrative Procedure Act which allows the Commissioners or anyone in public office in an emergency to do this but they cannot suspend licenses under the pesticide law. When licenses are suspended the violators are charged with violations of the law and are brought before a judicatory hearing. A combined joint effort was encouraged by the Commission on this problem. Concluding, the Commission thanked the Louisiana Department of Agriculture for their presentation.

Chairman Jenkins asked if any of the public would like to comment on this issue.

Mr. Steve Wilson, Lafourche Parish, addressed the Commission and commented that there needs to be some kind of pesticide alert regardless of what the weather conditions are.

Mr. John Roussel presented data to **Set the Offshore Shrimp Season Closure** in certain portions of the Gulf along with a resolution for an emergency declaration. It was recommended that the season in the portion of Louisiana offshore territorial waters from the Mississippi state line to South Pass of the Mississippi River and in the portion of Louisiana offshore territorial waters from the eastern shore of Whiskey Pass in Terrebonne Parish to the western shore of Vermilion Bay close on 12:01 a.m. January 1, 1992. It was further recommended that the Secretary of the department be authorized to close the season in a part or all of those parts of the State territorial waters in Zones II and III remaining open, if enforcement problems arise or if biological data indicates the need to do so and also that the Secretary be authorized to set special pink shrimp seasons or special white shrimp seasons if technical data indicates sufficient quantities of marketable shrimp are available.

Chairman Jenkins called for discussion by the Commissioners. Mr. Foret commented and felt that this was not the thing to do because of the seabob fishery, and the boundary line problem with Enforcement and recommended that the Gulf be left alone, no hundred count and that sanctuaries be established. Texas is getting all of Louisiana's shrimp. Further discussion ensued between Mr. Foret, Mr. McCall, Major Charlie Clark and Mr. Roussel on these issues. Mr. McCall also recommended that the offshore season be left open year round. Discussion continued on the Shrimp Task Force, the three mile limit and the Shrimp Management Plan.

Chairman Jenkins called for comments from the public. The following people addressed the Commission.

Levi Burnet, Jr., commercial fisherman, President of Louisiana Fishermen, agrees with Mr. Foret and wants the Gulf left open year round.

Andy Valence, Mayor of Grand Isle, requested that the Gulf be left open.

Dean Blanchard, owner of Blanchard's Food, Inc., presented economic data showing comparison of shrimp prices for the years 1990 and 1991 and commented that the Gulf should be left open.

Donald Liret, President, Terrebonne Fishermen's Organization, Vice Chairman, Barataria-Terrebonne Estuary Program and Citizen's Committee, agrees with Mr. Foret's comments and recommended that the resource be managed for the people of Louisiana, not Texas and the feasibility of creating sanctuaries out of the marsh restoration projects.

Chairman Jenkins at this point requested that Mr. Roussel give a history on the offshore shrimping area, the way it was in the past, when it was changed, etc. Mr. Roussel proceeded to give the history. Upon conclusion, the Commissioners questioned Mr. Roussel on the season and biological data. Discussion ensued between Mr. Roussel, Mr. McCall, Mr. Pol, Mr. Schneider and Mr. Jones on data, increased production, on leaving the season open year around, hundred count law, three mile limit, sanctuaries and shrimp plan. Mr. McCall suggested that the season be left open and go by the hundred count. Dr. Jerry Clark was asked to give the status on the shrimp plan and if sanctuaries were going to be addressed in the plan. Dr. Clark advised that there is a chapter in the plan on shrimp sanctuaries. LSU was to deliver the first draft at the end of last month but as of this date it has not been received. Chairman Jenkins asked if there were any other comments.

Steve Wilson, Lafourche Parish, is concerned about the Commissioners not receiving data on this so that a decision could be made. Guidelines need to be set up so that information is given

✓
apocalypse
to the Commissioners far in advance. Any kind of decision in any
ones best interest cannot be made when questions are being asked
five minutes before voting on an issue. This is a serious problem, *he said.*

Mitch Teriot, Matthews, LA, Representative Elect for District 54,
(southern part of Lafourche Parish and Grand Isle) requested that
the Commissioners follow Mr. Foret's lead and do not close the Gulf
of Mexico to the shrimping industry as this industry is vital to
his district. He will do everything in his power as a legislator
to see to it that it does remain open.

Ronald Picou, commercial fishermen, asked the Commissioners to
consider what ~~it~~ being proposed to them for the benefit of the
fishermen and the economy of the State of Louisiana; keep the Gulf
open. *was*

Roy Burke, Roy's Shrimp Company, Leeville, LA, requested that the
Gulf be kept open year round.

Chairman Jenkins called on Legal Counsel, Mr. Don Puckett, and
questioned the legal responsibility of the Commission for managing
the season. It was advised that the Commission ~~shall~~ have the
authority to open or close outside waters by zones each year as it
deems appropriate ~~upon inspection of and~~ based upon technical and
biological information data which indicates that marketable shrimp
in sufficient quantities are available for harvest. The hundred
count provision says that during the spring open season defined in
497(a) there shall be no limitation as to count on any saltwater
shrimp; (b) (1) states except as otherwise provided the possession
count on saltwater white shrimp shall average no more than 100
specimen to the pound. Such count shall apply to the taking or
possession of such shrimp aboard a vessel or at the dock except for
shrimp that are legally documented as having been taken elsewhere.
When more than fifty percent by weight taken or possessed of
seabobs in a maximum allowable amount of undersize white shrimp
taken or possessed shall not exceed ten percent. There is an
exception for bait shrimp.

At this point, Mr. Foret made a motion that this shrimp plan be
postponed until next month's meeting. The motion was seconded by
Mr. McCall and passed unanimously.

Chairman Jenkins recessed the meeting for lunch until 1:30 p.m.

Chairman Jenkins called the meeting to order and proceeded with the
items on the agenda.

An Update on Deer and Duck Seasons In Progress was give by Mr. Hugh
Bateman. Mr. Bateman gave a brief review of the early November
deer hunting season in Areas 2 and 3. There was excellent early
hunting success partially due to the break in the weather
conditions and there were no major problems. Some of the wildlife

management areas in the western part of the state experienced the best hunting success that they have had in several years. Another season opened November 23rd in Areas 1 and 6 with no major problems but there was warm weather. The hunting success was good in some areas but was not the best for hunter comfort or having animals move. Overall the WMA's managed deer hunts over the Thanksgiving holidays were very successful in several regards. Numbers indicate that the highest number of hunting participants have taken one of the record harvest in terms of deer and the success rate in terms of hunting efforts per animal taken has been good. Statewide on the WMA's there has been over 40,000 hunting efforts with close to 3,500 deer taken. Hunter's safety has been strongly emphasized this year through the department and sportswriter's columns. There has been one fatal hunting accident on a WMA this year and occurred on Fort Polk. Statewide there has been four fatal accidents.

Concluding, Mr. Bateman was questioned by Mr. Jones on the hunters participation in north Louisiana on some of the WMA's (Big Lake, Boeuf, and Saline) that had come under great duress concerning either-sex hunting. As a result of the negative publicity about the lack of deer on these WMA's last year these areas experienced about a forty percent decline in number of hunters. Other public areas opened early in the western part of the state this year which attracted hunters and may have accounted for part of the decline in hunting effort on the these WMA's. A breakdown of hunter's efforts and kills were given for each area. The department does ~~and have~~ maintained a position that either-sex hunting should occur on these WMA's and bears out the position that there remains a good deer herd on the areas. There is no reason for the department to change their management of these areas.

Mr. Robert Helm was asked to give the update on the waterfowl season. The waterfowl survey was finished just prior to the hunting season in the west zone. Surveys of Catahoula Lake and the coastal zone indicated that there were 2.8 million ducks within the area which was up twenty five percent from last year and highest recorded since 1980. There were record low temperatures in early November forcing a lot of the waterfowl to head south. The habitat conditions were very good this year being wetter than it has been in the past few years and water levels in the marsh were up above average. In the southwest coastal zone hunting success is reported to be much reduced. Moving west, in the area of Burn, Mermentau and west of Calcasieu, hunting success appears to have been high. In the rice country in southwest Louisiana there was poor hunting success but goose hunting has been good. Southeast Louisiana was hampered by fog, warm weather and low tides; however, the hunting in places such as the Delta Mississippi was good, Biloxi WMA was poor, Delacroix area was good. Hunting on Catahoula Lake started very well but fell off as the birds were just moving in mass instead of groups. In the northeast area the hunting in the river bottoms was good, particularly along the Mississippi River, Ouachita River and Boeuf but poor hunting in the fields. Waterfowl

hunting reports were given on Manchac WMA, Catahoula, District VI, Pass-a-Loutre, Atchafalaya Delta, and Pointe-au-Chien. Concluding, Mr. Helm advised that the second survey was to begin today but due to the weather it was cancelled; however it should be finished by the end of the week .

✓ A Resolution/ Notice of Intent on Seismic Fee Schedule, 3-D Airguns was presented by Ms. Bettsie Baker. The rule is being amended to incorporate 3-D seismic fees with the use of airguns in the oyster red line area. This is a relatively new technology that has been used on land principally and is now being incorporated into shallow water areas. The department has been meeting with oil industry representatives for the last thirteen months evaluating everything from the environmental impacts, habitat impacts and biological impacts by the use of airguns. The department has also met with the Minerals Subcommittee to discuss this issues. Ms. Baker read the resolution and notice of intent on seismic fees. Following the reading of the resolution and notice of intent the Commissioners questioned Ms. Baker on how this was going to affect the oyster lease holders, fees compability to dynamite rates and if this would cause a lost to the department. Ms. Anna Shaunssey representing the oil industry and the International Association of Geophysical Contractors spoke on the schedule of fees for the 3-D Airgun. ~~The fees are a lot higher than were discussed at the meetings over the last year and as they stand now the companies see them at least double of the dynamite fees. They would like to discuss this with the Commission and show them a little more in detail how the fees are calculated for dynamite and also givings examples of two different surveys. The industry cannot support these high fees. A short discussion ensued on the 3-D Airguns fees and it was decided that the industry would make a presentation to the Commission at the January 7th meeting.~~ *She said*
Chairman Jenkins called for a motion on the resolution with attached notice of intent. A motion was made by Mr. Schneider and seconded by Mr. McCall. The motion passed unanimously.

(The full text of the resolution is made a part of the record)

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
SEISMIC FEES

WHEREAS, Title 76:301 (AG) requires the Louisiana Wildlife and Fisheries Commission to periodically review seismic fees,

THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby give notice of its intent to amend rules and regulations for seismic fees, the Notice of Intent attached to and made a part of this resolution is hereby approved.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

December 9, 1991

James H. Jenkins
Chairman

A. Kell McInnis III
Acting Secretary

(The full text of the notice is
made a part of the record)

NOTICE OF INTENT
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses its intent to amend and adopt rules and regulations pertaining to seismic operations and the use of airgun surveys on designated red lined oyster grounds belonging to the state of Louisiana.

TITLE 76
WILDLIFE AND FISHERIES

PART I. WILDLIFE AND FISHERIES COMMISSION AND
AGENCIES THEREUNDER

Chapter 3. Special Powers and Duties

Subchapter A. Seismic Exploration

301. Regulation

The proposed amendment is as follows:

AG. Seismic operators making application to work on any designated red lined oyster seed ground belonging to the state of Louisiana will be required to pay the following fees in addition to the supervisory fees: \$100 per drilled shot hole or \$1000 per

linear mile, whichever is greater, for reflective or refractive cable. For airguns only, the following fees apply: \$1000 per linear mile in water depths less than or equal to five feet; \$ 400 per linear mile in water depths greater than five feet and less than or equal to 10 feet deep; \$ 200 per linear mile in water depths greater than 10 feet; OR, for 3-D airgun surveys: \$25000 per square mile in water depths less than or equal to five feet; \$ 10000 per square mile in water depths greater than five feet and less than or equal to 10 feet deep; \$ 5000 per square mile in water depths greater than 10 feet.

All of these fees are to be paid in advance. All fees will be reviewed each January.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:214 and R.S. 36: 609.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:300 (August 1978), amended LR 10:410 (May 1984), LR 13:115 (February 1987), amended LR 18: (1992).

Interested persons may submit written comments on the proposed rule to the following address before February 14, 1992: Karen Foote, Administrator, Fisheries Research Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

James H. Jenkins, Jr.
Chairman

Ms. Wynnette Kees presented an **Update on Civil Penalties Restitution Program**. The department collected 54 more payments this month totalling about \$4,300. Information packages were sent to 150 Judges and 42 District Attorneys which should help get the word out about the program.

The **Monthly Law Enforcement Program** was given by Lt. Colonel Charlie Clark. The following number of cases were made in the Regions for the month of November.

Region I - 215 cases.

Region II - 164 cases.

Region III - 183 cases.

Region IV - 98 cases.

Region V - 243 cases.

Region VI - 121 cases.

Region VII - 238 cases.

Region VIII - 356 cases.

Region IX - 374 cases.

The Oyster Strike Force made 68 cases and SWEP made 9 cases. The total number of cases made for the month of November was 2,084. This is the time of year when the number of boating cases decline and the number of hunting cases increase. The Commissioners questioned Lt. Colonel Clark on some of the cases. It was clarified that the cases made by the Oyster Strike Force were not duplicated in the Region's case report and are filed directly through Major Tommy Candies' office. The hunting from a moving vehicle violation is generally in connection with hunting at night and skinning. It was advised that this was the month that the SWEP crew took leave. It was clarified that a person did not have to have a hunting license to buy a Louisiana Duck Stamp and there were a few parishes (Lincoln and East Carroll) that won't sell them unless a person has his hunting license. About three years ago the people who sold the licenses in the different Sheriff's offices were brought in for a training session and it was suggested that another training session might be in order.

Secretary McInnis gave the **D. A.'s Report**. A synopsis of the reporting system was given. The input began on October 1st, and both the citation and disposition data is being entered now by the Regional secretaries. Training was provided for the regional personnel. The Class 1 violations and civil restitutions are strictly an in house program and does not go through the District Attorney's offices. This makes the same amount of work for the department but reduces the amount of reports that the District Attorney has to return to the department. This should enable the D.A.'s to give better attention to the cases that are there before him. There is still some confusion on some of the cases where the they have been changed to a Class I due to legislative action but this is being worked out.

The **Secretary's Report** was given to the Commissioners by Secretary McInnis. Mr. McInnis reported on the Sicily Island Hills tract which was signed and purchased last week; the non-navigable waterbottoms project and the Phillips decision; Coastal Wetland Task Force joint meeting between the technical and executive committees; oversight on Confidentiality proposed rule which passed with the modification of adding the Legislative Committee; ongoing meetings with the Transition Team; working with staff to refine the alligator rules; activities going on in the Habitat Conservation Division; commercial seatrout landings in October were 44,764 pounds and brings the total to 72,094 pounds. Upcoming meetings are the Marine Recreational Board and a meeting between Louisiana,

Mississippi and Alabama in Biloxi, Mississippi pertaining to boarder problems from state to state.

border

Legal Counsel, Mr. Don Puckett, presented the **Amended Commission By Laws** to the Commission. Draft copies of the by laws were sent to each of the Commissioners. Mr. Puckett presented the changes individually which were few and minimal. Upon completion of presentation Mr. Schneider made a motion that the amended Commission By Laws be adopted. The motion was seconded by Mr. Vujnovich and passed unanimously.

The **Election of LWFC Chairman and Vice Chairman** was held. Mr. Schneider nominated Mr. James H. Jenkins, Jr. as Chairman for 1992 and Mr. Norman McCall as Vice Chairman for 1992. There being no other nominations, Mr. Pol moved that the nominations be closed and accepted with Mr. Vujnovich seconding the motion. Chairman Jenkins called for a vote on the motion. The motion passed unanimously. *mm*

Chairman Jenkins called for **Public Comments**.

Mr. Charles Leday, Terrebonne Parish, addressed the Commission on the hunting regulations (restrictions) ~~on~~ *at* Kisatchie National Forest and also the muzzleloader season. There are private lands inside forest boundaries which allows those hunters belonging to hunting clubs to hunt 61 days while the public can only hunt 21 days. He does not believe the deer will repopulate with regulations like this. The only ones that will benefit are the hunting clubs and the public will be left out. The muzzleloader season is in between two gun seasons which causes problems with the deer settling down long enough for the muzzleloader hunter to shoot at. This season should be put two weeks before the gun season ever opens up. Also, since the season is only from Monday through Friday a lot of people cannot hunt. It was explained to Mr. Leday that the regulations do not restrict a person to hunt only during muzzleloader season with a muzzleloader and a person can hunt 66 days in Area 2 with a muzzleloader.

Mr. Don Puckett, Legal Counsel, addressed the Commission. Mr. Puckett asked the Commissioners to waive the rules to formally take up an item that was not published on the agenda. The item concerns unfinished business regarding Dravo Dredging Company's lease in Pontchartrain pertaining to the payment of the guaranteed annual minimal royalty for the last year of their lease wherein dredging was suspended because of lack of a permit from DEQ. A motion to waive the rules was called for by Chairman Jenkins. Mr. Schneider made a motion to waive the rule and take up this item. The motion was seconded by Mr. Jones and passed unanimously. This item was taken up in September of last year and from the comments made it was the Commission's inclination to waive the guarantee annual minimal royalty. The lease provides if for some reason the lessee cannot dredge because of permit restrictions or suspension it is the Commission's prerogative to waive the \$640,000 per year. *d*

Dravo's dredging during the first portion of the lease more than covered three times \$640,000. At this time, Mr. Puckett asked Mr. Pete Franklin of Dravo and Mr. Jim Burton, Outside Counsel for Dravo, to address the Commission and present their case for waiving the guaranteed annual minimal royalty for the 1990-91 dredging year.

Before Mr. Franklin and Mr. Burton took the floor, Mr. Jones asked about the status of the shell mitigation. It was explained that the plan that was worked out and acceptable to everyone was contingent upon some sub-contract or other arrangements between Dravo and Louisiana Materials, ~~who~~ ^{which} has the new lease. If an arrangement could not be worked out they would have to renegotiate with the Commission. Both of the parties were advised that the Commission and department needed to know if the possibility of a sub-contact was a reality so that alternative negotiations or litigation could be considered. No answer has been received as of this date as the President of Louisiana Dredging is in London and Mr. Puckett has asked that he call either today or tomorrow. Chairman Jenkins asked about time constraints for waiving the minimal royalty payments and it was advised that this could be done at any time. Chairman Jenkins suggested that the Commission wait and see if the shell dredging matter was going to be resolved before the minimal royalty payment be taken up. ^{meeting} ^(?)

Mr. Franklin and Mr. Burton went on to address the Commission on the royalty issue. Mr. Burton and Mr. Franklin explained the situation concerning the DEQ waste water discharge permit and the "cease and desist" order from the Louisiana Department of Wildlife and Fisheries. A waiver of the minimal royalty for the last year was requested and at the September ^{it} was decided that the request was reasonable and would be treated fairly as there was no indication that Dravo would ever get to dredge, therefore the issue would be deferred until the end of the lease term. Dravo never did get to dredge but still has a bid bond which is supported by letters of credit and this is a financial hardship on the company. Mr. Burton asked that this item not be deferred today. On the other issue, shell mitigation, Dravo has been addressing this in good faith and there have been several problems. At this time Mr. Franklin addressed the Commission on the shell mitigation issue reiterating the good faith that Dravo has put forward in this matter and the circumstances that took place. Upon conclusion of discussion on this issue between Dravo and Commissioners, Chairman Jenkins asked what was the pleasure of the Commission. There being no motion to waive the minimal royalty payments therefore no action was taken on this matter.

Chairman Jenkins called for other public comments. There being no other business to be brought before the Commission, Chairman Jenkins called for a motion to adjourn the December 9, 1991,

Commission meeting. A motion was made by Mr. McCall for adjournment of the meeting and seconded by Mr. Jones. Chairman Jenkins called for a vote on the motion. The motion passed unanimously.

A. Kell McInnis III
Secretary

AKM:sb

**COMMISSION MEETING
ROLL CALL**

Monday, December 9, 1991
Baton Rouge, LA
Wildlife and Fisheries Building

	Attended	Absent
Jimmy Jenkins (Chairman)	<u>✓</u>	—
Houston Foret	<u>✓</u>	—
Bert Jones	<u>✓</u>	—
Norman McCall	<u>✓</u>	—
Warren Pol	<u>✓</u>	—
Jeff Schneider	<u>✓</u>	—
Peter Vujnovich	<u>✓</u>	—

Mr. Chairman:

There are 7 Commissioners in attendance and we have a quorum.

~~Acting~~ Secretary Kell McInnis is also present.

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LA
DECEMBER 9, 1991

- ✓ 1. Roll Call
- ✓ 2. Approval of Minutes of November 8, 1991.
- ✓ 3. Trout Plan - Warren Pol (*Changes in NOI*) *APP?*
4. Environmental Group of America - Houston Foret/Cyres Sevin (*No Show*)
- ✓ 5. Fish Kills - Bert Jones (*Keel received report*)
- ✓ 6. Update on Deer and Duck Seasons in Progress - Hugh Bateman
- ✓ 7. Set Offshore Shrimp Season Closure - John Roussel (*Not a Month Ago*)
- ✓ 8. Notice of Intent - Seismic Fee Schedule - Bettsie Baker (*Get Resolution Signed*)
Samson? the oil company will present a presentation
- ✓ 9. Update on Civil Penalties Restitution Program - Wynnette Kees
- ✓ 10. Monthly Law Enforcement Report - Colonel Winton Vidrine
- ✓ 11. D. A.'s Report - A. Kell McInnis III
- ✓ 12. Secretary's Report to the Commission - A. Kell McInnis III
- ✓ 13. Amendment of By Laws - Don Puckett
- ✓ 14. Election of LWFC Chairman and Vice Chairman
- ✓ 15. Public Comments

*Attach No 1
To Resolution*

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LA
DECEMBER 9, 1991

1. Roll Call
2. Approval of Minutes of November 8, 1991.
3. Trout Plan - Warren Pol
4. Environmental Group of America - Houston Foret/Cyres Sevin
5. Fish Kills - Bert Jones
6. Update on Deer and Duck Seasons in Progress - Hugh Bateman
7. Set Offshore Shrimp Season Closure - John Roussel
8. Notice of Intent - Seismic Fee Schedule - Bettsie Baker
9. Update on Civil Penalties Restitution Program - Wynnette Kees
10. Montly Law Enforcement Report - Colonel Winton Vidrine
11. D. A.'s Report - A. Kell McInnis III
12. Secretary's Report to the Commission - A. Kell McInnis III
13. Amendment of By Laws - Don Puckett
14. Election of LWFC Chairman and Vice Chairman
15. Public Comments


RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
Seismic Fees


WHEREAS, Title 76:301(AG) requires the Louisiana Wildlife and Fisheries Commission to periodically review seismic fees,

THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby give notice of its intent to amend rules and regulations for seismic fees, the Notice of Intent attached to and made a part of this resolution is hereby approved.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

December 9, 1991


James H. Jenkins
Chairman


A. Kell McInnis III
Acting Secretary

NOTICE OF INTENT

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses its intent to amend and adopt rules and regulations pertaining to seismic operations and the use of airgun surveys on designated red lined oyster grounds belonging to the state of Louisiana.

TITLE 76

WILDLIFE AND FISHERIES

PART I. WILDLIFE AND FISHERIES COMMISSION AND

AGENCIES THEREUNDER

Chapter 3. Special Powers and Duties

Subchapter A. Seismic Exploration

301. Regulation

The proposed amendment is as follows:

AG. Seismic operators making application to work on any designated red lined oyster seed ground belonging to the state of Louisiana will be required to pay the following fees in addition to the supervisory fees: \$100 per drilled shot hole or \$1000 per linear mile, whichever is greater, for reflective or refractive cable. For airguns only, the following fees apply: \$1000 per linear mile in water depths less than or equal to five feet; \$ 400 per linear mile in water depths greater than five feet and less than or equal to 10 feet deep; \$ 200 per linear mile in water depths greater than 10 feet; OR, for 3D airgun surveys: \$ 25000 per square mile in water depths less than or equal to five feet;

\$ 10000 per square mile in water depths greater than five feet and less than or equal to 10 feet deep; \$ 5000 per square mile in water depths greater than 10 feet.

All of these fees are to be paid in advance. All fees will be reviewed each January.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:214 and R.S. 36: 609.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:300 (August 1978), amended LR 10:410 (May 1984), LR 13:115 (February 1987), amended LR 18: (1992).

Interested persons may submit written comments on the proposed rule to the following address before February 14, 1992: Karen Foote, Administrator, Fisheries Research Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

James H. Jenkins, Jr.
Chairman

State of Louisiana

#3



A. Kell McInnis III
Acting Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898
(504) 765-2800

Buddy Roemer
Governor

MEMORANDUM

TO: Wildlife and Fisheries Commission

FROM: A. Kell McInnis, III *AKM*
Acting Secretary

SUBJECT: Synopsis of Comments on Proposed Spotted Seatrout Rule

DATE: December 3, 1991

The following is a synopsis of comments received to date relative to the Commission's intent to adopt rules and regulations affecting management of the spotted seatrout fishery in Louisiana, including: written comments to the Department, comments at the Commission meeting of September 5, 1991, comments presented to the Commission at the public hearing of November 24, 1991 and written comments to Governor Roemer forwarded to the Department.

Comments are separated into categories based on their content and perceived position. Some letters did not indicate a specific position on the regulations, but were rather an individual's generalized views towards regulations. Written comments to the Department were eighteen (18) for, eight (8) against, three (3) recommended different action and five (5) requested further information. During the Commission's September meeting six (6) spoke for and ten (10) against the proposed regulations. At the public hearing, five (5) spoke for and nine (9) against the proposed regulations. Written comments to Governor Roemer were eighteen (18) for and none (0) against.

Enclosed are copies of written comments to the Department, a transcript of the September Commission meeting, a transcript of the public hearing and written comments to Governor Roemer.

AKM/JAS/lrm

12-3-91

SPOTTED SEATROUT

WRITTEN COMMENTS TO DEPARTMENT/COMMISSION ON PROPOSED ACTION

DATE	NAME	FOR	AGAINST	RECOMMEND DIFFERENT ACTION	REQUESTED FURTHER INFORMATION
11/11/91	ORGANIZATION OF LOUISIANA FISHERMEN		X		
11/15/91	GULF COAST CONSERVATION ASSOCIATION	X			
11/5/91	LAKE PONTCHARTRAIN FISHERMAN'S ASSOC.		X		
11/14/91	LOUISIANA RESTAURANT ASSOCIATION		X		
11/9/91	TERREBONNE FISHERMAN ORGANIZATION		X		
11/13/91	CYPREMORT INVITATIONAL FISHING ASSOC.	X			
11/8/91	EAST ASCENSION SPORTSMAN'S LEAGUE, INC.	X			
11/13/91	LOUISIANA WILDLIFE FEDERATION, INC.	X			
No Date	BILLIE JOE EASLEY		X		
10/24/91	J. A. VEAZEY	X			
10/24/91	ANTHONY G. LONERO	X			
No Date	DR. R. C. FRANCIS	X			
11/9/91	RUSSEL M. BLACK		X		
11/7/91	A. J. LEBRETON, III	X			
11/12/91	CLYDE BOUTTE	X			
No Date	JAMES HEBERT	X			
11/12/91	GERALD PATOUT	X			
11/6/91	CHARLES COOK			X	
11/1/91	GROFF, WELLMAN, FAUSTERMANN	X			
10/30/91	LESTER GONSOULIN, SR.	X			
No Date	MAGNUS MCGEE		X		
10/28/91	C. Z. GUICE	X			
10/30/91	REP. KENNETH COINET		X		
9/23/91	J. DAIGREPONT	X		X	
9/19/91	J. PHILLIPS	X			
9/16/91	R. H. HIMES	X		X	
No Date	D. ROWELL	X			
10/2/91	P & L SEAFOOD (HARLON PEARCE) AND OTHERS				X
11/12/91	LOUISIANA FISHERMEN FOR FAIR LAWS				X
10/30/91	LOUISIANA SEAFOOD & PROMOTION				X
11/25/91	LOUISIANA SEAFOOD PROMOTION				X
No Date	HENRY TRUELOVE - LFFL				X



ORGANIZATION OF LOUISIANA FISHERMEN

Route 1, Box 280
GALLIANO, LOUISIANA 70354
(504) 475-6770

November 11, 1991

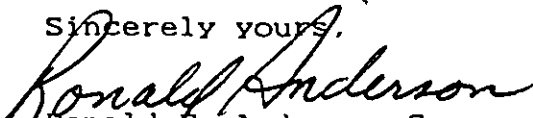
Mr. James H. Jenkins Jr.
Chairman,
Louisiana Wildlife & Fisheries Commission
P.O. Box 98000
Baton Rouge, LA 70898

Dear Mr. Jenkins:

The Organization of Louisiana Fishermen is opposed to the commission's intention to change the management of the speckled trout commercial fishery.

Enclosed are comments made by our representative at September 5, 1991, commission meeting.

Sincerely yours,


Ronald E. Anderson Sr.


Robert S. Fritchey

Board members, OLF

cc: Kell McInnis
Senate and House Natural Resource Committees



NOV 20 91

September 5, 1991

Organization of Louisiana Fishermen
Post Office Box 220
Galliano, Louisiana 70354

Comment Statement presented on September 5, 1991 to the

Louisiana Wildlife and Fisheries Commission
Quail Drive
Baton Rouge, Louisiana 70898

I would like to quickly review some provisions of Acts 157 and 708 of the 1991 Louisiana Legislature.

1. Act 157 "Section 6. Special powers and duties; statistics; rules and regulations; reports

The Commission, through its secretary:

- * * *

(25)(a) Shall promulgate rules and regulations, subject to the provisions of the Administrative Procedure Act, to set seasons, times, places, size limits, quotas, daily take, and possession limits,

BASED UPON BIOLOGICAL AND TECHNICAL DATA,

for all wildlife and fish. Any such rule or regulation shall have as its objective the sound conservation, preservation, replenishment, and management of that species

FOR MAXIMUM CONTINUING SOCIAL AND ECONOMIC BENEFIT TO THE STATE

without overfishing that causes short-term or long-term biological damage to any species, and regarding all species of fish, without overfishing that leads to such damage...."

2. Act 708 "Section 638.2. Findings A.(7) The safe development or improvement of fisheries that are not fully or properly utilized by the Louisiana commercial and recreational fishermen and fishing industries, should help to assure that

LOUISIANA BENEFITS FROM THE EMPLOYMENT, FOOD SUPPLY, RECREATION, AND SOCIAL AND ECONOMIC BENEFIT

that could be maintained or generated thereby, if pursued in such a fashion that is

SOCIALLY, SCIENTIFICALLY, ECONOMICALLY, ANTHROPOLOGICALLY, AND BIOLOGICALLY SOUND FOR THE STATE,

the species, and any related species."

Both of these 1991 Acts require social and economic consideration for fishery management action.

3. Act 708 Section 638.5. Saltwater fishery standards A.(4) provides further direction:

A. (4) If it becomes necessary to allocate or assign fishing privileges among various fishermen, such allocations to the extent practicable shall be:

(a) Fair and equitable to all such fishermen;

(b) Reasonably calculated to promote conservation;

(c) Carried out in such a manner that no particular individual, corporation, or other legal entity acquires an excessive share of such privileges; and

(d) In the best interest of the citizens of Louisiana.

A. (5) Conservation and management measures shall, where practicable, promote efficiency in the conservation and management of fishery resources; except that no such measure shall have ECONOMIC ALLOCATION AS ITS SOLE PURPOSE.'

The first provision of the resolution presented today takes a quarter of a million pounds of trout from the commercial sector. This is a potential revenue loss of one half million dollars. This is a serious loss. No biological nor technical data is available supporting this provision. The 1991 Trout Stock Assessment supports continued application of both the present TAC (total allowable catch) and the present allocation between commercial and recreational fishermen. There is no indication about the future allocation of this quarter of a million pounds of trout. As recreational fishermen increase in numbers will these fish actually become part of the 25 (or fewer) fish bag limit? The recreational industry is faced with tough times ahead as the numbers of recreational fishermen continue to increase. There is no evidence of a fiscal impact study nor a social impact analysis required by law.

The second provision of the resolution generates several likely results which have not been taken into consideration and certainly not examined thoroughly as required by law. This provision opens the trout season September 15th and closes the season April 1st. If the quota has not been reached by April 1st it is relinquished as there is no provision to carry unharvested pounds forward to the following season. The commercial industry has begun to harvest and market many species of finfish

successfully. Presently a fishermen selects, in response to market conditions, the best time of the year to harvest most profitably. This quota provision will generate most trout harvest during the late fall and early winter when they are worth the least. The fishermen will be forced to "derby fish" in an effort to harvest the full quota before closure. Market supply will be closed during many lenten periods. Fish rarely act the same year after year. There are commercial industry records of many years the commercial trout harvest wasn't profitable until later than April 1st. Some areas of Louisiana, Lafourche, Jefferson, and Terrebonne Parishes included, historically harvested trout during the late spring, summer, and early fall. These areas, and others, may have unequal access to the quota under this provision.

The third provision prohibits netting for trout during the week ends. Two 1991 legislative acts must be considered.

1. Act 708 Section 638.5. Saltwater fishery standards A.(6) states, "Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication."

2. Act 886 Section 320. Methods of taking freshwater or saltwater fish

* * *

states,

"H.(1) It shall be unlawful for any person to knowingly and intentionally use or employ any gill net to encircle a vessel or to otherwise knowingly and intentionally use or employ any vessel or commercial fishing gear to interfere with the lawful recreational fishing of another.

(2) It shall be unlawful for any person to knowingly and intentionally use or employ any vessel or recreational gear to interfere with the lawful commercial fishing of another."

* * *

The rationale offered by the proponents of this third provision has been "to reduce conflict between recreational and commercial fishermen." This provision is clearly according to law an unnecessary duplication.

In closing, OLF respectfully requests the withdrawal of this resolution and further recommends the Commission seek the opinion on proposed resolutions from the Attorney General prior to further management actions of this nature.



Kacer

Gulf Coast Conservation Association

Post Office Box 373, Baton Rouge, LA 70821

(504) 291-GCCA

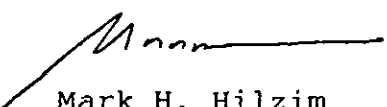
November 15, 1991

Louisiana Wildlife and Fisheries Commission
P. O. Box 98000
Baton Rouge, LA 70898-9000

Dear Members of the Commission,

Please find enclosed written public comments on the proposed new regulations affecting speckled trout. These comments are made on behalf of the Louisiana Gulf Coast Conservation Association.

Sincerely,


Mark H. Hilzim
Executive Director

enclosures

RECEIVED

LA. DEPARTMENT OF
WILDLIFE & FISHERIES

NOV 15 1991

ASSISTANT SECRETARY
OFFICE OF FISHERIES

COMMENTS BY THE LOUISIANA GULF COAST CONSERVATION ASSOCIATION
(GCCA) ON CHANGES PROPOSED BY THE LOUISIANA WILDLIFE AND
FISHERIES COMMISSION REGARDING THE HARVEST OF SPOTTED SEATRUT

During the 1991 Regular Session of the Louisiana Legislature, the Louisiana Gulf Coast Conservation Association (GCCA) proposed legislation that would grant 'gamefish' protection to Louisiana's spotted seatrout. GCCA still takes the position that spotted seatrout should be declared gamefish. However, realizing that any reduction in the commercial kill of spotted seatrout is positive for biological, social, ecological, and economic reasons, GCCA supports the proposed changes in spotted seatrout regulations.

Act 157 of the Regular Session of the Louisiana Legislature provided the following:

- 1) the Commission may manage speckled trout;
- 2) the Commission may set seasons, times, places, sizes, quotas and daily limits for those fish which it manages; and
- 3) the commercial quota on speckled trout will remain at 1.25 million pounds until a new quota is established by the Commission.

In reviewing the proposed new regulations, we submit that they

are consistent with the authority granted the Commission by Act 157 of 1991 in that:

- 1) setting regulations for spotted seatrout (speckled trout) was specifically authorized in the Act;
- 2) the regulations include the setting of a season on the commercial harvest of spotted seatrout, the establishing of legal times for the commercial fishing of spotted seatrout, and the setting of the annual commercial quota at 1 million pounds. Seasons, times and quotas are all within the perview of the Commission's regulatory authority over spotted seatrout; and
- 3) the authority to change the quota from the original 1.25 million pound figure was specifically authorized.

Act 708 of the Regular Session of the 1991 Louisiana Legislature established a policy for the conservation and management of saltwater finfish. In addition to sections on purposes and policy, the Act established seven standards that saltwater finfish regulations must meet. In reviewing the seven standards, GCCA submits that the proposed regulations meet the standards.

STANDARD 1

"Conservation and management measures shall prevent overfishing while achieving, on a continual basis, the optimum yield while

maintaining healthy, plentiful stocks. In fact, every effort will be made at all times to prevent harvest from exceeding the safe upper limit of harvests which can be taken consistently year after year without diminishing the stocks so that the stock is truly inexhaustible and perpetually renewable."

The proposed actions meet Standard 1 in that they help prevent overfishing and are geared to maintain healthier, more plentiful stocks. The Draft Fisheries Management Plan for Spotted Seatrout prepared by the Louisiana Department of Wildlife and Fisheries (LDWF) in 1991 stated that the standing stock biomass ratio (SSB/R) for spotted seatrout was currently about 15%. This Plan stated that "For spotted seatrout, fishing regulations should not allow cumulative fishing mortality to reduce the spawning stock biomass of a cohort on average below 15% of that in the unfished condition." This Plan further stated that "A conservation standard of 15% SSB/R implies that declines below this level must be avoided, to insure that recruitment will not limit the fishery in the foreseeable future." Thus, this Plan establishes 15% as the minimal safe limit and states that the fishery is currently at that lower limit.

Other scientists throughout the Gulf disagreed with this Plan contention that 15% was safe and suggested that a 20%, or greater, SSB/R was the minimal safe level. Dr. Richard Condrey of LSU says in his letter of April 22, 1991 to Dr. Jerry Clark, "I do not concur with the conservation standard. I concur with the Louisiana Chapter of the American Fisheries Society, the Louisiana Chapter of the Wildlife Federation, and the Senate Natural Resources Committee, that a 20% spawning-stock-biomass-

per-recruit is the minimum safe standard by which to manage such a valuable stock." Dr. Edwin Irby, Jr. of the Florida Department of Natural Resources says in his letter of May 2, 1991 to Dr. Jerry Clark, "My final concern is the use of 15% SSBR for a 'conservation standard'. I would suggest increasing this if possible to at least 20% as Goodyear recommends. ...This is important in an environment that is expected to change world-wide in the next 10 to 50 years because of climate changes but most especially important for Louisiana with its rapidly changing coastal zone. The greater the resiliency the greater the chance a stock will survive and have a chance to adapt to change, whether these changes are natural in origin or improvements in effective effort of the fishermen." Finally, Andrew Kemmerer, Regional Director for the National Marine Fisheries Service, says in his letter to Dr. Jerry Clark, "We feel that the minimal level of the SSBR for this species should be the more conservative (e.g., 20 or 30%) and not 15% as proposed by the long term management goal. The resource is currently overfished since the estimated SSBR is 14%." Thus, according to scientists in the Gulf, a 15% SSBR is either minimal or below the safe level. It is obvious that the Commission intends to move to optimum yield by improving the SSBR and by following the Department's 1987 management recommendation in total. Hopefully, the Commission will pursue the development of additional data to more precisely quantify optimum yield.

One of the proposed regulations would reduce the commercial quota

from 1.25 million pounds to 1 million pounds. Such a move is calculated by the Department to increase the SSBR for female trout to 16.52% and for male trout to 23.55%. Therefore, the proposed regulations would help prevent overfishing and keep the harvest from exceeding the safe upper limit by improving the SSBR.

STANDARD 2

"Conservation and management measures shall be based upon the best scientific, economic, biological, anthropological, and sociological information available."

The measures proposed by the Commission were based on information contained in the Draft Fisheries Management Plan for Spotted Seatrout prepared by the LDWF in 1991. This Plan documented all relevant information of spotted seatrout to date and included a virtual population assessment (VPA) conducted by the Department to develop the current SSBR figure. As the regulations were based on this Plan document and on computer modeling developed by the LDWF to show the impacts of different regulations, they meet Standard 2. In addition the proposals concerning prohibiting commercial fishing for spotted seatrout on the weekends have been previously suggested by commercial fishermen and were suggested by the commercial representatives on the Commission and thus represent their informed opinions on the nature of the commercial fishery.

STANDARD 3

"To the extent practicable, an individual stock or unit of fish shall be managed as a unit throughout its range within the state's jurisdictional authority, and interrelated stocks of fish

and other saltwater resources shall be managed in close coordination."

The proposed regulations would affect all commercial fishing for spotted seatrout both in Louisiana and for Louisiana-licensed boats in the EEZ. This represents the entire jurisdiction of Louisiana fishery management regulations.

STANDARD 4

"If it becomes necessary to allocate or assign fishing privileges among various fishermen, such allocations to the extent practicable shall be:

"(a) fair and equitable to all such fishermen;"

The proposed regulations would allow the commercial industry sufficient time to meet its 1 million pound quota. The 1 million pound quota is still unfairly high in comparison to the restrictions imposed on the recreational fisherman. A 1 million pound quota distributed among the 2,000 licensed saltwater commercial finfishermen would give each fisherman approximately 500 pounds per year. The calculated recreational landings of spotted seatrout in Louisiana for 1990 amounted to approximately 3.2 million pounds. If we distribute their catch among the 200,000 licensed saltwater fishermen in Louisiana (does not count those under 16 and over 60), each recreational fisherman would get 16 pounds. Thus, the commercial fishermen are still getting considerably more than the recreational fishermen. Additionally, any commercial fisherman may buy a recreational license and fish for his own recreation at any time of the year. The proposed

allocation still allows the commercial fisherman an advantage in harvest methods over the recreational fisherman.

"(b) reasonably calculated to promote conservation;"

The regulations have been reasonably calculated to promote conservation in that they are designed to improve the SSBR. An increase in SSBR is a conservation measure.

"(c) carried out in such a manner that no particular individual, corporation, or other legal entity acquires an excessive share of such privileges;" and

There is presently no data to indicate that any individual, corporation or legal entity will acquire an excessive share of fishing privileges for spotted seatrout.

"(d) in the best interest of the citizens of Louisiana."

A well-managed, healthy, plentiful fishery is in the best interest of the citizens of the state. The proposed regulations will help improve the biological health of the species by increasing the SSBR. The institution of a set season for commercial trout fishing can provide for sufficient fish for Louisiana's restaurants to insure a healthy hospitality and tourist industry, will improve enforcement and monitoring of commercial fishing activities, and will allow for the safe and smooth conduct of the recreational trout fishery in Louisiana.

All of these benefits are in the best interests of the citizens of Louisiana. The prohibition against netting for spotted seatrout on the weekends will help separate the commercial and recreational participants during the period when recreationals are most likely to be on the water. This will help provide safety for both sets of participants, will help protect commercial equipment, and will help defuse recreational animosity towards commercial fishermen. In addition, the removal of the nets on the weekend will enhance enforcement of the prohibition on unattended nets, will encourage recreational participation in the fishery and will help stimulate the recreational fishing economy. All of these benefits are in the best interests of the citizens of the State. The current saltwater recreational fishing industry generates as much as a billion dollars a year or more to Louisiana's economy annually. Safe stimulation of this economy can mean increased dollars for all segments of Louisiana's economy, particularly the hospitality and tourist industries.

STANDARD 5

"Conservation and management measures shall, where practicable, promote efficiency in the conservation and management of fishery resources; except that no such measure shall have economic allocation as its sole purpose."

There is already an annual commercial quota for spotted seatrout in Louisiana, and the reduction of that quota to 1 million pounds will not introduce any additional management measures on the part of the state. The establishment of a season will give the

commercial industry a set period in which to catch the quota, and this will encourage efficiency in planning, deployment of equipment, and integration with other fishing activities. The prohibition of trout netting on weekends will aid management efficiency in that enforcement will be clear cut: existence of a net fishing for speckled trout will be illegal. The prohibition will reduce confrontations between commercial and recreational participants and further ease the enforcement burden.

While the proposed regulations will have a positive economic benefit to the state and the recreational industry, economics is not the sole reason for the regulations. The Department's biologists recommended a set of new regulations for spotted seatrout in 1987. These included a minimum size limit and reduced bag limit for recreational fishermen and an increased size limit and quota of 1 million pounds for commercial fishermen. With the implementation of the proposed new regulations, all of the biologists' recommendations will be in effect. Also, biologists throughout the Gulf have recommended that the SSBR for Louisiana spotted seatrout should be increased to further insure the biological safety of the resource: these regulations will help move in that direction. Finally, the establishment of both a commercial season and a weekend prohibition on trout netting will help separate the user groups and avoid social conflict, keep nets out of boating lanes during peak traffic hours to improve boating safety, and encourage participation in the recreational fishery by both tourists and Louisiana families.

STANDARD 6

"Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication."

As there is already a commercial quota in place a change in the specific quota figure will not increase costs or require any additional reporting by commercial participants. The setting of a commercial season could have the effect of lowering costs per commercial yield, as commercial effort will be targeted at peak production periods. The prohibition against trout netting on weekends will generate no extra costs for either fishermen or managers and does not duplicate any existing law. In fact, the proposed new regulations may tend to eliminate many of the part-time and out of state fishermen and improve the profit-per-effort ratio of the full-time Louisiana netters.

STANDARD 7

"Conservation and management measures may take into account and allow for variations among, and contingencies in, fisheries resources and catches".

The proposed reduction in the commercial spotted seatrout quota is a partial recognition by the managers of recent imposed variations in spotted seatrout harvest between recreational and commercial fishermen. Since 1987, because of restrictive regulations, the recreational harvest has dropped by approximately 75% from the 1987 figure of 12,539,987 pounds to the 1990 number of 3,226,742 pounds. At the same time, the reported commercial landings have increased from the 10 year

average of 1,000,000 pounds (1977-1986) to the 1989 figure of 1,488,878. Reducing the commercial quota from 1.25 million to 1 million pounds only partially offsets the tremendous reduction experienced by the recreational sector. The overall reduction in commercial pressure also acknowledges both the lingering effect of the 1989 freeze and the low SSBR for Louisiana spotted seatrout.

One of the main reasons that the Legislature granted authority for the management of spotted seatrout to the Commission was the perceived ability of the Commission to manage trout and other fishery resources on a timely and continual basis. Virtually, every Commission meeting over the last 2 years has produced testimony about the problems uncontrolled netting is causing. In addition, the Commission has discussed poor reporting of trout purchases by fish houses and retailers, including restaurants and the need to improve the current controls on the commercial harvest. The proposed regulations address these concerns with timely, logical actions. These actions are supported by the information contained in the trout plan and are consistent with policy standards set by Act 708 of the Regular Session of the 1991 Louisiana Legislature. During the discussions held on that and other legislation, many argued that the Commission should be given the tools and the authority to manage spotted seatrout. The Commission now has that authority and is attempting to use those tools. The GCCA's position is to support them in that effort.

K. Foster
J. Jenkins

Lake Pontchartrain Fisherman's Association

Peter M. Gerica
President

Route 6, Box 285K
New Orleans, La. 70129

November 5, 1991

NOV 0 8 91

Mr. A. Kell McInnis, III
Acting Secretary
Louisiana Department of Wildlife & Fisheries
Box 98000
Baton Rouge, Louisiana 70898-9000

RE: COMMISSION REVISED RULES FOR SPECKLED
TROUT HARVEST - NEWS RELEASE -

Dear Mr. McInnis:

With reference to the above-captioned, first let me state that for the Department to allow the Commission to act in such a bias manner is downright sinful. The trout plan which was released prior to the legislative session did not state that trout were in trouble or that it was necessary to decrease the commercial catch. What is not comprehensible is that the Department is going against its own management plan and the results of an intensive study.

Taking action against only the commercial fishermen is a grossly unfair way to initiate a management plan. Doing this shows the Department's tendency to lean towards the G.G.C.A. (sports fishermen). This points out the obvious power the G.G.C.A. has in the Department. This is also prejudicial against the commercial fishing industry.

For the record, larger numbers sports fishermen can be seen on the waters fishing Monday through Wednesday than can be seen on weekends. This leads me to believe that sometime in the future the G.G.C.A. may decide they need those days also, i.e. Monday through Wednesday, leaving the commercial fisherman, who needs to support his family with, perhaps, only "Thursday" to make a living! This of course is mere speculation at this point, but could very well come to pass.

Mr. A. Kell McInnis, III
Acting Secretary
November 5, 1991
Page 2.

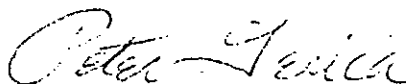
When God sent us the freeze in 1989, he gave it to all of us, sports and commercial fishermen alike; therefore, so why should only the commercial fisherman be punished for this. Should not all fishermen share in balancing out the results. It is a well known fact that sports catch more trout (actually a figure somewhere around 92%) than the commercial fishermen. We all know that they sell the unreported portion and that the commercial fishermen are being blamed for this also - so why penalize us!

We hope the Department doesn't believe that we, the Commercial fishermen, will stand idel and let what happened in Texas and Florida happen to us. There are laws governing our rights. Therefore, we totally reject the Commission's revised rules governing speckled trout and will commence litigation if it is passed.

If you have any question(s) regarding our Organization's position on this matter, or any other matter, please feel free to contact the undersigned.

Sincerely,

LAKE PONTCHARTRAIN FISHERMAN'S ASSOCIATION



Peter M. Gerica
President

PMG/rgg



Louisiana Restaurant Association

2800 Veterans Blvd., Suite 160 • Metairie, Louisiana 70002 • (504) 831-7788 • FAX (504) 837-4967

November 14, 1991

Mr. A. Kell McInnis III
Acting Secretary
Louisiana Department of Wildlife & Fisheries
P.O. Box 98000
Baton Rouge, LA 70898-9000

Dear Mr. McInnis:

This letter is sent to reflect the position of the Louisiana Restaurant Association relative to the proposed changes in the commercial harvest of spotted sea trout and other matters related thereto.

We are opposed to the proposed reduction of the commercial quota of speckled trout and other matters related thereto because we feel that the proposed management plan is a violation of the spirit and intent of HB 1592 passed in 1991 by the legislature in order to establish a fishery management policy.

We feel that the issue of quota reduction was sufficiently addressed during the hearings of the Senate and House Natural Resource Committees and that the decision to **not** reduce the commercial quota was a proper one based on biological facts. Dr. Jerry Clark, Undersecretary for Wildlife & Fisheries even stated the following, "According to our estimation, we feel that the current harvest levels of speckled trout does not endanger the status of that stock in any way."

Given the fact that the science dictates that current harvest levels are appropriate and not endangering the species, one must have to question the motives behind this proposed reduction.

Sincerely,

Jim Funk
Executive Vice-President

NOV 18 91

cc: Secretary

TERR. FISHERMAN ORGANIZATION

President : Donald J. Lirette
5347 Grand Caillou Road
Dulac, Louisiana 70353

November 9, 1991

Jimmy Jenkins
A. Kell McInnis
2000 Quail Dr.
Baton Rouge , La.
70804

NOV 15 91

Dear Sirs:

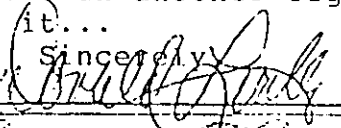
I am responding to a notice of intent of the Louisiana Wildlife and Fisheries Commission in which a reduction of the commercial take of speckle trout is being proposed. I am totally against any reduction in the harvest of this species. I have been recreational fishing these fro a while and I find no shortage , in Yact this is the best year I can remember in a long time. There seems to be no biological data to back up the proposed reduction. The reduction of the redfish creel did not stop people from catching what they wanted anyway. Only those who respect the law will go out and catch only 5 redfish.

The proposed reduction has been proposed without a fiscal or social impact study done on this action. I will not allow you to do as you please and ignore the commercial fishermen that depend on these fish to supplement their income during these hard economic times. Will you have any public hearings on this matter ? When and where will they be held and will I recieve a notice or will I have to hear about this again from others? I have requested many times before that my organization be informed of all Department Public Notices and I still don't recieve all the notices that I should. Please make sure I get on the other mailing lists so I can keep track of what's happening.

I hope that you respond to this letter quickly and inform us if we have to take this matter elsewhere. As the President of a Commercial Fishing Organization I understand how the fishermen feel because I was one of them and I know that they are tired of being kicked around and have things done to them without being able to speak and voice their objections.

The proposed closures are absurd and depriving Commercial Fishermen the right to fish on weekends I believe discriminates against them. What are you trying to do start another confrontation between the recreational and commercial groups? We won't stand for it again. Take this as a warning or whatever way you want it. I don't care to get involved in another fight but if that is what must come down then so be it...

Sincerely,



TELEPHONE :
504 583-7006

K. Fook

CYPREMORT INVITATIONAL FISHING ASSOCIATION
P. O. BOX 12212
NEW IBERIA, LA 70562-2212

November 13, 1991

Acting Secretary
Louisiana Department of Wildlife and Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

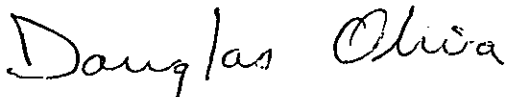
Dear Sirs:

As President of a south Louisiana fishing club, with a membership of 100 hardcore fishermen, I would like, on behalf of the club, to commend and support you on the Department's proposed revised regulations for the commercial harvest of speckled trout.

It is time for our state to begin protecting the rights of thousands of licensed, "local" recreational fishermen and limiting the freedom of the few hundred commercial fishermen, of whom many are not from Louisiana. By casting such large nets in our bays, these fishermen have no concern for Louisiana's waters or its inhabitants. They return to their home state to sell Louisiana seafood at a premium price. What does Louisiana gain from this? The only thing we see from this action is a decrease in our fish population, which the recreational fisherman must suffer from with a lower limitation on our catches, and devastation to our environment.

Once again, on behalf of the Cypremort Invitational Fishing Association we would like to thank the Louisiana Department of Wildlife and Fisheries on a job well done.

Sincerely,


Douglas Oliva, President

/dsh

Enclosure

NOV 18 01

BENOIT, RODDY
P O BOX 32
AVERY ISLAND LA 70513

BUTEAU, LANIE
RT 1 BOX 258 A HWY 85
JEANERETTE LA 70544

BEWLEY, LONNIE
541 E MAIN ST
NEW IBERIA LA 70560

CASTILLE, MARK
706 LANZA LANE
NEW IBERIA LA 70560

BISHOP, BRET
424 MILMO ST
JEANERETTE LA 70544

CHAMBERS, STEVE
GENERAL DELIVERY
AVERY ISLAND LA 70513

BISHOP, DON
409 MILMO ST
JEANERETTE LA 70544

COLVIN, PATRICK
P O BOX 52304
LAFAYETTE LA 70505

BISHOP, ROCKY
2012 GEORGIA ST
JEANERETTE LA 70544

COMEAX, LARRY
RT 2 BOX 636
NEW IBERIA LA 70560

BONIN, ADAM
RT 4 BOX 156
NEW IBERIA LA 70560

COMEAX, MARK
1901 LANGSTON RD
NEW IBERIA LA 70560

BOUGHTON, ROGER
4214 JULES RD
NEW IBERIA LA 70560

COURVILLE, JIMMY
RT 1 BOX 27
JEANERETTE LA 70544

BOURGEOIS, JOHN
RT 2 BOX 20
JEANERETTE LA 70544

CROCHET, GARY
RT 4 BOX 329
NEW IBERIA LA 70560

BOURGEOIS, LANGDON
RT 2 BOX 273C
JEANERETTE LA 70544

CYPEL, BOBBY
RT 1 BOX 284A
JEANERETTE LA 70544

BOUTTE, RANDALL
212 LIVE OAK LANE
NEW IBERIA LA 70560

CYPEL, HENRY
RT 1 BOX 284A
JEANERETTE LA 70544

BROOKS, JEFF
142 S RICHELIEU CIRCLE
NEW IBERIA LA 70560

DANCAUSE, CHUCK
308 INTERLUDE DRIVE
NEW IBERIA LA 70560

BROUSSARD, LARRY
RT 2 BOX 11AA
JEANERETTE LA 70544

DEFELICE, DAVID
711 LEROY ST
NEW IBERIA LA 70560

BROUSSARD, LIONEL
305 LOUISIANA ST
JEANERETTE LA 70544

DELCAMBRE, KENT
2009 ALICE ST
NEW IBERIA LA 70560

BUTEAU, BARRY
RT 1 BOX 258-A
JEANERETTE LA 70544

DENISON, DORREN
106 ALINE ST
NEW IBERIA LA 70560

DERISE, FRANK
RT 4 BOX 329
JOHN DARNELL RD
NEW IBERIA LA 70560!

GUILLLOTTE, BRIAN
606 FRANK ST
JEANERETTE LA 70544

DUBOIS, KENNETH
P O BOX 31
AVERY ISLAND LA 70513

HEBERT, CHRIS
311 BERT ST
JEANERETTE LA 70544

DUMOND, LINDSEY
2185 LOREAUVILLE RD
NEW IBERIA LA 70560

HEBERT, FAYE
C/O RT 1 BOX 291
JEANERETTE LA 70544

DUMOND, PAT
2185 LOREAUVILLE RD
NEW IBERIA LA 70560

HEBERT, HOWARD
RT 1 BOX 291
JEANERETTE LA 70544

DUPLANTIS, BILL
204 WILREE DRIVE
NEW IBERIA LA 70560

HEBERT, JACQUE
RT 1 BOX 291
JEANERETTE LA 70544

ELDRIDGE, GERARD
605 JANICE ST
JEANERETTE LA 70544

HEBERT, LYNN
417 E MAIN ST
JEANERETTE LA 70544

GONSOULIN, LESTER
309 EVERETTE ST
NEW IBERIA LA 70560

HEBERT, MITCH
RT 1 BOX 291
JEANERETTE LA 70544

GOULAS, KEVIN
P O BOX 591
JEANERETTE LA 70544

HEBERT, STEPHANIE
417 E MAIN ST
JEANERETTE LA 70544

GRANGER, GWEN
P O BOX 346
JEANERETTE LA 70544

HITTER, ALFRED J
P O BOX 9702
NEW IBERIA LA 70562

GRAVOIS, CAROL
RT 1 BOX 130B
JEANERETTE LA 70544

HITTER, MARQUERITE
P O BOX 9702
NEW IBERIA LA 70562

GRAVOIS, JIMMY
410 PELLERIN ST
JEANERETTE LA 70544

HULIN, RAYMOND
509 WELDON
NEW IBERIA LA 70560

GRAVOIS, PATTI
RT 1 BOX 130B
JEANERETTE LA 70544

KENNER, ALLEN
223 EDGEWATER DRIVE
NEW IBERIA LA 70560

GUARDIA, CLARENCE
2717 JUNCA ST
JEANERETTE LA 70544

KILCHRIST, LEE ROY
210 LEDLANC RD
NEW IBERIA LA 70560

GUIBERTEAU, LLOYD
P O BOX 146
JEANERETTE LA 70544

LANDRY, BILL
#3 PIRATES ALLEY
NEW IBERIA LA 70560

LANDRY, DONNIE
C/O DON SEAFOOD HUT
4309 JOHNSTON ST
LAFAYETTE LA 70501

MOITY, RANDY
P O BOX 10610
NEW IBERIA LA 70562

LANDRY, JULIE
#3 PIRATES ALLEY
NEW IBERIA LA 70560

MORESI, CHUCK
P O BOX 645
JEANERETTE LA 70544

LANDRY, KATHY
203 DAHLIA
NEW IBERIA LA 70560

MOURET, TROY
P O BOX 167
JEANERETTE LA 70544

LEGNON, RICHARD
RT B BOX 430
FRANKLIN LA 70538

OLIVA, DOUG
P O BOX 12212
NEW IBERIA LA 70562

LEGNON, SANDRA
RT B BOX 430
FRANKLIN LA 70538

PATOUT, JEFF
3933 BAYOU BLVD
NEW IBERIA LA 70560

LOUVIERE, ELDRIDGE
RT 1 BOX 211 C
JEANERETTE LA 70544

PAVY, DR DONALD
111 STEVEN ST
NEW IBERIA LA 70560

MANNINA, MICHAEL II
P O BOX 128
JEANERETTE LA 70544

ROBIN, BILLY
232 DRUILHET ST
JEANERETTE LA 70544

MANNINA, STEVE
P O BOX 128
JEANERETTE LA 70544

ROBIN, CYNDI
107 RAMONA
JEANERETTE LA 70544

MCGOWEN, MICHAEL
402 DOLL ST
JEANERETTE LA 70544

ROBIN, MARC
107 RAMONA
JEANERETTE LA 70544

MERRYMAN, ART
120 GUY DRIVE
ST MARTINVILLE LA 70582

ROBIN, MIKE
107 RAMONA
JEANERETTE LA 70544

MESTAYER, DAN
333 DODSON ST
NEW IBERIA LA 70560

ROBIN, RYAN
107 RAMONA
JEANERETTE LA 70544

MIGUES, ELI
P O BOX 844
JEANERETTE LA 70544

ROMERO, BRAD
313 HORTENSE
NEW IBERIA LA 70560

MIGUES, GERALD
RT 1 BOX 180
JEANERETTE LA 70544

ROMERO, GLORIA
313 HORTENSE
NEW IBERIA LA 70560

MIGUES, MALCOLM
507 EMMELINE ST
NEW IBERIA LA 70544

ROMERO, OSSIE J
313 HORTENSE
NEW IBERIA LA 70560

SCHEXNAYDER, RAYMOND
RT 1 BOX 705
JEANERETTE LA 70544

ZAUNBRECHER, MICHAEL
247 JUAREZ ST
NEW IBERIA LA 70560

SCHNEIDER, RAY
RT 1 BOX 211-C
JEANERETTE LA 70544

SEMAR, BARRY
RT 4 BOX 363
NEW IBERIA LA 70560

SEMAR, LINDA
RT 4 BOX 363
NEW IBERIA LA 70560

ST GERMAIN, DON
601 E MAIN ST
JEANERETTE LA 70544

ST GERMAIN, GLEN
2607 W MAIN ST
JEANERETTE LA 70544

ST GERMAIN, LISA
601 E MAIN ST
JEANERETTE LA 70544

ST GERMAIN, MARY LEE
601 E MAIN ST
JEANERETTE LA 70544

ST UPERY, ANDRE
226 WEEKS ISLAND RD
NEW IBERIA LA 70560

ST UPERY, EMANUEL
226 WEEKS ISLAND RD
NEW IBERIA LA 70560

STELLY, NELSON
602 KRAMER ST
NEW IBERIA LA 70560

STELLY, PAT
324 LOUISA ST
JEANERETTE LA 70544

STEVENS, DENNIS
116 COULEE RD
NEW IBERIA LA 70560

TABB, RANDALL
P O BOX 283
LYDIA LA 70569

EAST ASCENSION SPORTSMAN'S LEAGUE, INC.

Affiliated with Louisiana Wildlife Federation



P. O. Box 446
GONZALES, LA. 70737

RESOLUTION

- WHEREAS: Speckled trout are the mainstay of the saltwater recreational fishing industry; and
- WHEREAS: Speckled trout are also important to the commercial fishing industry and restaurant industry in Louisiana; and
- WHEREAS: The Louisiana Legislature has authorized the Louisiana Dept. of Wildlife and Fisheries to manage speckled trout in the best interest of the species for the benefit of all Louisiana citizens; and
- WHEREAS: Definite problems have surfaced with the reporting and accountability of speckled trout caught and landed in Louisiana waters; and
- WHEREAS: The 1.25 million pound quota has routinely been reached in April of past years; and
- WHEREAS: The quota was not reached until August of 1991, enabling commercial netting of spawning trout
- THEREFORE be it resolved: That the East Ascension Sportsman's League supports the recent proposals by the Louisiana Wildlife and Fisheries Commission to manage the commercial harvest of speckled trout in Louisiana. These proposals include
1. a commercial season on trout from Sept. 15th to April 1st.
 2. a reduction in the quota from 1.25 million pounds to 1 million pounds.
 3. the prohibition of netting trout on the weekends.
 4. to close the season before April 1st if the quota is reached sooner.

Kenn

EAST ASCENSION SPORTSMAN'S LEAGUE, INC.

Affiliated with Louisiana Wildlife Federation



P. O. Box 446
GONZALES, LA. 70737

November 8th, 1991

A. Kell McInnis, III
Acting Secretary
Louisiana Dept. of Wildlife and Fisheries
Box 98000
Baton Rouge, LA 70898-9000

Attn: Mr. McInnis,

Recently the EASL passed a resolution concerning speckled trout management. We support the commission's recent recommendations, including:

1. a commercial season on trout opening September 15th and closing on April 1st.
2. a reduction in the quota to one million pounds.
3. prohibition of netting on weekends.

We believe that these changes are necessary to benefit the trout populations in Louisiana. If this fish is to have a future in our state, then these measures are a big step in the right direction.

Sincerely,



Terry L. Melancon,
EASL President

Attachment

NOV 14 91



Louisiana Wildlife Federation, Inc.

P.O. BOX 16089 LSU
BATON ROUGE, LOUISIANA 70893
504/344-6707

November 14, 1991

Mr. A. Kell McInnis, Secretary
Louisiana Wildlife and Fisheries Commission
P. O. Box 98000
Baton Rouge, Louisiana 70898-9000

Dear Mr. McInnis:

Please find attached a resolution adopted by the board of directors of the Louisiana Wildlife Federation expressing conditional support for the regulations proposed by the Louisiana Wildlife and Fisheries Commission for the commercial harvest and sale of spotted seatrout. Please convey this to the members of the Commission and incorporate it in the record of comments on the proposal that are due by November 15, 1991.

Thank you for your cooperation.

Sincerely yours,

Randy P. Lanctot
Executive Director

RPL:sp
Enclosure

NOV 14 91



Louisiana Wildlife Federation, Inc.

P.O. BOX 16089 LSU
BATON ROUGE, LOUISIANA 70893
504/344-6707

A RESOLUTION

SUBJECT: Restrictions On Commercial Harvest of Spotted Seatrout

WHEREAS, the Louisiana Wildlife Federation (LWF) supports efforts to conserve and manage Louisiana's fish and wildlife resources that will insure their abundance and diversity for the present and future benefit of Louisiana's citizens, and

WHEREAS, LWF supports actions of the Louisiana Wildlife and Fisheries Commission (LWFC) and the Louisiana State Legislature that will reduce gear and user conflicts between parties engaged in harvesting or otherwise enjoying the benefits of these resources in order to protect our resources and to minimize antagonism between user groups, and

WHEREAS, the Louisiana Legislature enacted Act 708 of the 1991 Regular Session which established policies and standards for the conservation, management and regulation of saltwater finfish which was strongly supported by the LWF, and

WHEREAS, the LWFC has proposed restrictions on the commercial harvest of spotted seatrout as follows:

Commercial harvest and sale of spotted seatrout from Louisiana waters will be prohibited from April 1st thru September 14th each year; during this time possession of spotted seatrout on any vessel in Louisiana waters that has aboard any seine, gill net, trammel net or hoop net is prohibited; the same prohibition of commercial harvest will apply from sunset Friday thru sunset Sunday during the commercial harvest season (September 15 thru March 31); the annual quota for commercially harvested spotted seatrout will be 1 million pounds (reduced from the existing 1.25 million pound quota); the commercial season will be closed when the quota is predicted to be reached or on April 1st, whichever occurs first; and

WHEREAS, these restrictions will serve to reduce user conflicts and will be conservative of the spotted seatrout resource.

THEREFORE BE IT RESOLVED that the Board of Directors of the Louisiana Wildlife Federation, assembled at its Fall 1991 meeting October 20th in Alexandria, Louisiana supports the new restrictions on the commercial harvest and sale of spotted seatrout as proposed by the Louisiana Wildlife and Fisheries Commission at its October 1991 meeting, to the extent that they are consistent with Act 708 of the 1991 Regular Session of the Louisiana Legislature.

cc T. Clark
commissioner

Billie Jo Easley
33119 Bayou Sorrel Rd.
Plaquemine La 70764

Dear Mr. A. Kel McInnis,

My name is Billie Jo Easley and my daddy is a Commercial fisherman. The new rules that apply to speckled trout are unfair.

The reduction of .25 million pounds quota on speckled trout come from Commercial fishermen. Commercial fishermen may not fish from midnight Friday to midnight Sunday.

I would like to know if Sport fishermen are reduced, and can they fish on weekends.

This is some Commercial fishermen source of income. Is this fair? I would like to know who makes these laws? After they take a Commercial fishermen's paycheck do they keep receiving a paycheck? I think this is so unfair and discrimination to Commercial fishermen. My brother and I work hard to help my parents earn a living. Unfair laws hurt our way of living. I would like to know who is promoting these and other unfair laws.

Thank you, and please respond,

My address:
33119 Bayou Sorrel Rd.
Plaquemine La 70764

Billie Jo &
Caleb
no out

October 24, 1991

cc J. Clark
comm. file
10-30-91
PC

To: Louisiana Department of Wildlife and Fisheries
P.O. Box 98000
Baton Rouge, LA 70898-9000

RECEIVED
OCT 29 91

Reference: Proposed changes - commercial fishing
regulations regarding speckled trout

To the Commission:

I am writing in support of the proposed regulation change of commercial speckled trout fishing that includes:

- A strict open season duration of April 1 - September 1
- The reduction of seasonal commercial quota from 1.25 million pounds to 1.00 million pounds.
- The closure of commercial speckled trout fishing on all weekends from sunset Friday to sunset Sunday.

I am a recreational saltwater fisherman and have been fishing predominately the Cocodrie/Timbalier/Pelto area for the past 12 to 15 years. I consider myself to be a fisherman of average ability, however, I fish hard whenever I venture out which is approximately twenty times per season. I supported the reduction in trout creel limits from 50 to 25 fish per person as reasonable as well as the 12 inch minimum size limit, however, the reduction in the individual fish size and numbers of my catches over the last few years, the freeze notwithstanding, has been dramatic. I have many sportsman friends that I associate with and all of them adhere to the present rules and regulations faithfully however, it seems that all of them are experiencing the same phenomenon. Last year, as well as this year, was especially poor and to continue seeing the commercials "loading up" on trout through July and only seeing a season closure of one (1) month while I was averaging approximately 10 fish per boat per trip was, to say the least, frustrating. The number of undersize "throwbacks" is increasing with less and less "keepers" available. It is also apparent that there is no way of regulating the commercial quota with any reasonable degree of accuracy. I simply cannot believe that the commercial quota of 1.25 million pounds was not reached until August of last year.

On the brighter side, the return of "good" redfishing has been equally as dramatic since the commercial closure. Again, the recreational limit of five (5), I consider quite reasonable. It is rewarding to get into a school of reds and catch a few and know that the whole school will not be wiped out the next day with a purse seine. Again, an excellent example of what a change in regulations can do to improve a distressed fishery in a relatively short time.

My only conclusion to the significant recreational reduction in the speckled trout catch over the last few years is that the commercial fishing is out of control (again, the freeze notwithstanding). Some means must be utilized to stabilize the deterioration of this fishery if we are to salvage it at all. Additional observations of speckled trout recreational charter boats reveals that their catches are dropping off also, to the point, that it's almost useless to charter a trip for the few number of small trout that are taken. It's just not worth it!

In summary, there is room for both recreationals and commercials but reasonable limits must be placed on each. I believe the recreational limits are fair and, for the most part, are adhered to by the vast majority of the sports fishermen. I only ask that the commercials be made to play by the same rules and the proposed regulation change is a step in that direction.

Again, I support the proposed changes to the commercial speckled trout regulations. I congratulate the commission for their past work and feel that this current proposal is again a step in the right direction.

Sincerely,



J.A. Veazey
420 Monsanto
Luling, LA 70070

cc T. L. L. L.
Common file

ANTHONY G. LONGERO
1312 BORNABEL BLVD.
METairie LA. 70005

OCT 28 91
WILDLIFE & FISHERIES
OFFICE OF THE SECRETARY

October 24, 1991

Mr. Secretary

I am an avid salt water sport fishermen and so are many of my family members. I read an article in the New Orleans Times Picayune dated Thursday, October 24, 1991 by Gerald Horst. It stated proposed changes by the La. Wildlife and Fisheries Commission for commercial fishing for speckled trout. I am for these changes. These fish need time to reproduce during the warm months. The proposed closure on weekends is also needed. I have personally seen unattended gill nets and have gotten gill nets tangled in my motor. These nets were out all night and some of them were across bayous.

I have a 7 month old grandson that I want to take fishing in a few years, I would like him to catch his 25 fish limit of larger speckled trout. Myself and my family hope these proposed changes become law.

Sincerely,
Anthony G. Longero

Speckled trout rule change sought

The Louisiana Wildlife and Fisheries Commission voted at its Oct. 8 meeting to file a notice of intent changing the regulations on commercial fishing for speckled trout.

Proposed changes include a closed commercial season from April 1 through Sept. 14 of each year. Also proposed is a closure of commercial speckled trout fishing on all weekends from sunset Friday to sunset Sunday. No speckled trout will be allowed on any boat with a seine, gill net, trammel net or hoop net on board during any of these closures.

Finally the commission proposes to lower the commercial quota on speckled trout from 1 1/4 million pounds to 1 million pounds.

These rules go into effect Feb. 20. People may send written comments on the proposed rules before Nov. 15 to Acting Secretary, Louisiana Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, La. 70898-9000.

Fishing seasons

► Shrimp — Inshore waters, open. All offshore waters, open.
► Oyster — Hackberry Bay, Bay Junop and Gay Gardene Oyster Seed Reservations closed. Public oyster seed grounds open until April 1, except for the delayed opening areas in Breton Sound and East Cote Blanche and Vermilion Bays, which will open 30

Fisheries Newsline

Jerald
Horst



minutes before sunrise Dec. 1. Calcasieu and Sabine Lake tonguing areas open until 30 minutes after sunset March 1.

► King mackerel — Recreational, open; commercial, closed.

► Spanish mackerel — Recreational, open; commercial, open.

► Redfish — Federal waters, recreational and commercial, closed; state waters, commercial, closed.

► Speckled trout — Commercial, open.

► Black drum 27 inches and longer — Commercial, open by permit only.

► Black drum under 27 inches — Commercial, open.

► Giant bluefin tuna — Recreational, open by permit only; commercial, closed until Jan. 1.

► Red snapper — Commercial, closed.

► Deep-water groupers (warsaw, kitty mitchell, misty, snowy, yellowedge) — Commercial, open.

► Shallow-water groupers (all other groupers) — Commercial, open.

► Striped mullet — Commercial, open.

► Bullfrog and leagoon frog — open.

► Swordfish — Commercial, open.

► Billfish — Commercial, closed year-round.

► Jewfish, sturgeon and paddlefish — Closed year-round.

sbn.

Calendar

► Let's Talk Fishin' Salt Water Fishing Rodeo, Saturday, Bayou Bienvenue Marina, St. Bernard. For information, call 277-5615.

► Gulf of Mexico Fishery Management Council Shrimp Advisory Panel meeting, Monday and Tuesday, Airport Quality Inn, 1021 Airline Highway, Kenner. For information, call (813) 228-2815.

► Gulf of Mexico Fishery Management Council Scientific and Statistical Committee meeting, Tuesday and Wednesday, Quality

Inn, 1021 Airline Highway, Kenner.

► Gulf of Mexico Fishery Management Council Mackerel Advisory Panel meeting, 8 a.m., Thursday, Oct. 31, Quality Inn, 1021 Airline Highway, Kenner.

► National Fisheries Institute 46th annual convention, Wednesday through Nov. 2, Marriott Hotel, 555 Canal Street, New Orleans.

► Concerned Shrimpers of America Meeting, Nov. 2, 1 to 4 p.m., Peltier Auditorium, Nicholls State University. For information, call 391-1177.

Jerald Horst is a marine advisory agent with the Louisiana Cooperative Extension Service at 1825 Bonnie Ann Drive, Marrero, La. 70072. For more information, call 349-5640. In Plaquemines Parish call Paul Thibodeaux 682-0081, ext. 2233 and in Orleans, St. Tammany and Tangipahoa call Phil Bowman 522-2270 or 893-4449.

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BNDD Reg. No. AG3390921
BNDD Reg. No. AF3391430

Concurrence

La. No. 560
La. No. 655

SLADELL VETERINARY CLINIC

DR. R. C. FRANCIS — DR. L. P. GUILLOT

1104 Front Street

70458

Phone 643-4822

Name _____

Address _____

Date _____

Rx

*Fully Support your
intended program of
Speckle Trout quota
this is an Rx
for future success. Good*

D.V.M.

To: Acting Secretary

November 9 1991

I am very concern about the proposal that is trying to be pass. That is the close season on speckled trout, the reduction of the quota, and closing on the weekends. I think this is unfair and against my rights. If you want a close season then close it from September 15 to April 1st. Between this time the trout are small and the price is low. So why give our resource away. But you would say that between April 1st and September 15th it would be in spawning season in which you are right. So if this is the case shut the recreation fisherman down for two months in the heart of the spawning season. Also the size of the trout should be raise to 14 inches to the recreation fisherman But there is no problem with the trout. LDWF biologists said there is no problem with speckled trout. But if you not going to listen to them, you do not need them. We should not waste the taxpayers money. What I can not understand is that the trawlers can drag nets through the heart of the spawning season with one and one fourth inch stretch mesh net and I have to use three and one half inch stretch mesh and I will be shut down and this is unconstitution.

Closing is not to bad considering there is hardly any room to fish on the weekends. This is why many recreation fishman complain that is no fish. Their is to much boat traffic and this keep the fish spook. And on Sunday we belong in church. Beside that it causes a lot of hard feeling between Commercial

and recreation. All I want is to make a honest living without having to worry about being put out of business from year to year. A good commercial fisherman is the most conservationist person in the water because this is his livelihood. The year we had 12 inch size on trout I had always throw back trout under 14 inches. It better to let them grow so that they can spawn another year or two and they will be worth more money. It is not right for recreation fisherman to be able to catch a smaller fish.

As for the quota there should not even be a quota but at least a much larger quota instead of a smaller one. But that does not matter because of the close season. recreation fishman can fish all year round without being check for size limit, and their bag limit. I can be out in the middle of a bay surround by recreation fisherman an a Wildlife Fisheries agent will come straight at me and check out everything then leave and never check a recreation fisherman..This is hassment an unfair. I am treated like a criminal but I have a clean record. We and my family has always went by the book and have always work with the Wildlife and Fisheries. My family had a seafood business in Leeville, louisiana and we bought more trout and redfish from the recreation fisherman than the commercial fisherman. On many occasions we would have recreation fisherman pull in and sell their fish and most of them were members of GCCA. Most all the time their fish were one third illegal. Lot of the time it was really sad because of all the that was wasted.

Recreationfisherman are allow twenty-five fish bag limit and if they average a pound a piece with 300000 recreation fishman would be a one day catch of 7500000 in which that is six

times more than the commercial fisherman has for the whole year. If you think all this is fair then your mother did not teach you from right from wrong. But it seems like politics and not conservation.

The right thing to do is to remove the quota or give each individual enough to make fair living. Close trout fishing down on the weekends. Then have a close season for one month in the spawning season for both fishing groups. Maybe commercial be close in May and recreation in June or vice versa. That would be the fair thing to do. That would give two months of relief to the spawning.

And something else that bothers me is in the Times Picayune on Fridays they have a fishing report in the back of the sport section. It shows how good the fishing in the southeastern part of the state. It give rating like poor, fair, and good reports. A lot of the time they say that there is plenty of trout and just a few but plenty. Then the same people go to Baton Rouge and say that there is no trout. They just do not want us out there period. A couple of months ago when had the hearing on the trout proposal a man got up and said that 2000 commercial fisherman caught 625 pounds that we would have our quota and he is right but not nearly all of the 2000 commercial fisherman fish for trout. There are only a few of us. Then the weather is something we have to contend with. Last winter we had about six days that we were able to fish.

Recreation fisherman said that there fishery produces a lot of revenue. This is true but the commercial fisherman produces a lot of revenue also. Whether there is commercial fishing in this state or not there still going to be recreation fishing. Both fisheries are needed in this state.

I have been living in this state for over seventeen years. I move here because love this state and the people. My wife is from here and my kids were born and raise here. I started out as a commercial fisherman and the laws were so bad that I had to go get a job in the oil field. Then in 1982 I was lay off and out of work. Then I went back to the seafood industry. I went to work for my father who had a seafood business in Leeville. An I commercial fisherman for a living in which I did since I was ten years old with my father, uncles, and my grandfather. It like a family tradition then when wildlife and fisheries started with the quota its been down hill. The year after the quota was effective I had to file bankruptsy because the trout was shut off in the time that I make my best living. After I lost everything, four months later I finally found a job in the oilfield and got lay off four months later. Now in the oilfield you work a while then get lay off. Now I am disable and I do not no whether I will be able to work again and if I am able to no one will hire someone with a hurt back and over thirty-five years old. Commercial fishing maybe the only source of income, something that I can work at my own pace.

I hope Wildlife and Fisheries makes the right decision so that there is no hardship. I want to work together and not fight against each other. There is room for everyone and still be conservationist.

Russel M. Black

2107 North 2nd Street

Golden Meadow La. 70557

2 51

Thank You

Russel M. Black

A concern fisherman

November 2, 1991

Acting Secretary
Dept. of Wildlife & Fisheries
P.O. Box 98000
Baton Rouge, LA 70898-9000

I support the proposed rule change for a commercial season from April 1 through Sept 14, 1992. The proposed rule change regarding the closure of commercial speckled trout fishing on all weekends is a commendable conservation effort!

I am in favor of game fish status for speckled trout!

Sincerely,

A. J. LeBreton
A. J. LeBreton
106 Woodbridge Blvd
Houma, LA 70701

NOV 12 91

P.S. As a recreational fisherman, I spend about \$3,500.00 per year on the sport. I fish offshore mostly and own a 31 ft. Galois boat.

In regards to the proposed revised regulations
for Commercial Harvest of Spotted Trout. I think
it is piled trout should be a game-fish like the other
gulf coast states have been wise enough to do.
If we can't have that we'll take any kind
of law we can get. Thanks

Plyck Bonitto

NOV 12 1961

James Hebert
12126 Oakline Acres
St. Amant, LA 70774

DEAR W.R. MCINNIS,

I am an avid fisherman for speckled trout in the marshes of south Louisiana. I have been following the issues surrounding this fish lately. I am writing to let you know that I think the recent proposals that set a commercial season on trout are sound. There is a tremendous problem with reporting by the commercial fishermen. The quota will have been reached by them in most years anyway.

I remember the year that the Sports Fishermen were reduced by 50% in our limits, while the commercial harvest was raised from 1MM lbs to 1.25MM lbs.

I think it is wise to reduce the quota to get the escapement rate up on this fish from 15% to something higher.

I also feel that netting on wellbonds will continue to be a problem. If the commission wants to reduce this, then let's give it a try.

Sincerely,

Jim Hebert
St. Amant, La.

Kmer

NOV 14 91

November 12, 1991
309 Oak St.
New Iberia, La.
70560

Gentlemen:

As a concerned sportsman,
I am submitting comments for
consideration, to improve our
natural resources in the future.

Comment 1

Whatever you have been
doing to improve the red fish
and speckled trout inventory -
seems to be working - please
continue - Congratulations!

Comment 2

Concerning a personal
observation and experience -
3 sports fishermen, including
myself - watched the
retrievement of a fish net
around an oyster reef where
we were fishing. Hundreds
of undesired rat eels
were harvested in a small

boat - most of them dead -
none returned to the water
as we had done. The net
cannot tell the difference
between 14 - 15 - or 16 inches.
The net is too efficient for
harvesting and should
not be allowed continued
use - as it exists today
it will destroy the goose
that you have accomplished
so far - Good will
prevail -

A Concerned Sportsman
Lured Patent

J. Clough

310 Oak Lane
Luling, La. 70070
November 2, 1991

Acting Secretary
Louisiana Department of Wildlife & Fisheries
P.O. Box 98000
Baton Rouge, La. 70898-9000

Comm File

Subject: Regulations On Commercial Fishing For Speckled Trout

Dear Secretary:

It is very disturbing to read that the people in the coastal area are going to be again restricted in their ability to harvest the renewable natural resource of speckled trout. Not only will the fisherman be hurt but it will restrict the ability to obtain fresh fish in restaurants. This isn't good for the State.

I spend several days a week fishing and observe about ten guide boats in the Leeville area taking 200-400 pounds of fish a day year around. When you add in the private sport boats and multiply this by the many areas along the Louisiana Coast it appears that the sports get the lions share.

It's dangerous to our democratic system when we start saying that a State resource can be claimed by one group such as has been done with redfish. I suggest the following

1. Leave commercial quota at 1.25 mm pounds/year
2. Close commercial trout season from April 15 to Sept. 14.
3. Raise minimum size of trout to 14" for sports to obtain at least one spawn and raise average size.

In closing I would like to thank the Louisiana Department of Wildlife and Fisheries for the job they do and hope that we can keep politics out of your business.

RECEIVED
LA. DEPARTMENT OF
WILDLIFE & FISHERIES

Very truly yours,

Charles Cook

NOV 06 1991

NOV - 7 1991

ASSISTANT SECRETARY



HENRY H GROFF
140 BARRY AVE
JEFFERSON, LA 70121

J. Clark

November 1, 1991
One Hundred Block of Barry
Fishing Group

Acting Secty,
La. Dept. Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, La. 70898

We strongly urge implementation of proposed rule
changes for speckled trout planned to go in effect
February 20, 1992.

Also feel the probition of netting to catch speckled
trout would be much more effective.

Henry H. Groff
Henry H. Groff

Herb Wellman
H. Wellman

George Faustermann
G. Faustermann

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LA. DEPARTMENT OF
WILDLIFE & FISHERIES

NOV - 8 1991

ASSISTANT SECRETARY
OFFICE OF FISHERIES

NOV 07 91

J. Clark

Lester Gonsoulin, Sr., President
Telephone: 364-5853

PALM ALARMS Systems, Inc.

P. A. Keme, Jr., Engineer
Telephone: 364-2690

309 Everette Street - Phone 318/364-7929 - New Iberia, Louisiana 70560
10-30-1991

Acting Sect. La. Wildlife and Fisheries
P.O. Box 98000 Baton Rouge La. 70898-9000

Dear Sir;

I read with interest the article in the Advocate of 10-27-91 concerning your plans for revising the regulations on speckle trout.

I approve of these changes without reservations. I am 80 years of age and have fished red fish and speckle trout for the past 65 years in vermillion bay and the reefs south of Marsh Island. I am concerned for my three grandsons who are all fishermen.

First I would like to compliment your dept. on the ref fish regulations. I have caught and returned to the water more undersized red fish than any time during my fishing career. When you compare our regulations on the commercial harvest of speckle trout with the other Gulf states

its time we get in line.

The effect to the economy from 200,000 salt water fishermen who purchased salt water fishing licenses as compared to 2,000 commercial gill netters should be considered.

When a striker boat comes into our reefs, harvest the trout, and leave without touching land in La. there isn't much income for the state.

By the way, who tells the redfish not to go into the speckle trout gill nets? Enforcement in that area seems to be ~~xxxxxx~~ rather casual.

Yours very truly

Lester Gonsoulin Sr.
Lester Gonsoulin Sr.

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LA. DEPARTMENT OF
WILDLIFE & FISHERIES

NOV - 8 1991

ASSISTANT SECRETARY
OFFICE OF FISHERIES

NOV 07 91

Mr. Secretary,

~~file~~
62 JE

Karen

As a life long resident of the state of Louisiana, I am deeply concerned about the policies you are enacting concerning the commercial fishermen.

Most of us are neither educated in or financially able to defend ourselves against the affluent that have taken it upon themselves to destroy the commercial fisherman. It is hard enough to make a living in Louisiana today without the legislators curtailing us at every opportunity. Commercial fishermen know more about this states resources (fish, shrimp, etc.) than any sportsman will ever know. It is our life. No one has more to lose from dwindling numbers of fish than us.

Most of the restrictions previously imposed upon us we have taken in stride, but it is becoming clear that no matter how much we give it is never to be enough! With all the talk of the states suffering welfare system, you would think the state would help those who are trying to support themselves and their families.

In conclusion, I urge you not to turn your back on us. We will work with you at every opportunity to ensure the continued abundance of fishing resources. Please do not throw us to the wolves who would have you believe that all commercial fishermen are abusers. We have been fishing in Louisiana for generations. It is our heritage.

I thank you for your time and service to all the people of Louisiana.

Sincerely,

Magnus W. McLee

OCT 3 1 91

PS A few things I would ask you to consider:

- 1) If when the sea trout season is proposed to be closed that the commercial fishermen be allowed to fish in the gulf.
(until the Quota is met)
- 2) Allow the commercial fisherman the same creel limits as the sportsman. (5 red fish, 25 specks)
- 3) And last ask yourself if this legislation you propose will long satisfy the adversaries of the commercial fisherman!

Magnus W. McGee
HC 69 box 338A
Cameron, La. 70631

ftr
ca J/c
Karn

17663 Old Jefferson Hwy.
Praireville, LA 70769
October 28, 1991

Kell Mc Innis
Acting Secretary
La. Wildlife & Fisheries
Box 98000
Baton Rouge, LA 70898

Dear Sir:

With modern technologies and the arrival of the Vietnamese fishermen, I strongly believe that any resource can be stressed to a dangerous level so fast that learned biologist won't know its happening until its too late. Commerical interest is constantly shooting itself in the foot by over harvesting a resource. After all, the more one catches the more money one makes.

Myself, along with most sport fishermen would like to see speckled trout a game fish. Believe me, some day that will happen. The greed of commercial fishermen will demand it!

Mark me down as one conservationist in favor of the new proposed trout regulations. I think it is a step in the right direction. Congratulate the Commission members for me!

Yours Truly,

Sonny

C.Z. "Sonny" Guice

BEIVER
OCT 31 91

Karen



STATE OF LOUISIANA
HOUSE OF REPRESENTATIVES

KENNETH L. ODINET, SR.
DISTRICT 103
(504) 277-5664

932 ANGELA AVENUE
ARABI, LOUISIANA 70032
(504) 279-2555

JUDICIARY
NATURAL RESOURCES
LABOR AND INDUSTRIAL RELATIONS

October 30, 1991

A. Kell McInnis III
Acting Secretary
La. Dept. of Wildlife and Fisheries
P.O. Box 98000
Baton Rouge, LA 70898

OCT 31 91

RE: Season and Quota Change
Spotted Sea Trout

Dear Mr. McInnis:

Enclosed please find a letter which reflects my position on the proposed rule change.

As per our conversation the species is not in danger, and the present plan is working; therefore, I oppose any change in the present plan.

Any assistance you might offer in maintaining present quotas will be appreciated.

Very truly yours,

A handwritten signature in cursive script, reading "Kenneth L. Odinet".

Kenneth L. Odinet

KLO/mh
Enclosures



STATE OF LOUISIANA
HOUSE OF REPRESENTATIVES

KENNETH L. ODINET, SR.
DISTRICT 103
(504) 277-5664

October 30, 1991

932 ANGELA AVENUE
ARABI, LOUISIANA 70032
(504) 279-2555

JUDICIARY
NATURAL RESOURCES
LABOR AND INDUSTRIAL RELATIONS

Representative Sam Theriot
101 South State St.
Abbeville, LA 70510

Representative Harry L. Benoit
P.O. Box 1028
Breau Bridge, LA 70517

Representative Charles DeWitt, Jr.
Box S
Lecompte, LA 71346

Representative John L. Glover
Star Rt., Box 570
Chauvin, LA 70344

Representative Jessie P. Guidry
P.O. Box 181
Larose, LA 70373

Representative Carl Gunter, Jr.
104 Chestnut
Pineville, LA 71360

Representative Theodore Haik, Jr.
P.O. Box 11040
New Iberia, LA 70562-1040

Representative Melvin Holden
243 Rivercrest
Baton Rouge, LA 70807

Representative Christopher John
P.O. Box 921
Crowley, LA 70527-0921

Representative Clyde Kimball
110 Charlene
New Roads, LA 70760

Representative Frank Patti
P.O. Box 53
Belle Chasse, LA 70037

Representative Randall Roach
P.O. Box 1299
Lake Charles, LA 70620

Representative John Siracusa
S.R. 5, Box 737
Morgan City, LA 70380

Representative Arthur W. Sour
755 Bester
Shreveport, LA 71107

Representative Warren Triche, Jr.
100 Tauzin Lane
Thibodaux, LA 70301

RE: Proposed Wildlife & Fisheries
Commission Revised Rules for
Speckled Trout Harvest to
become effective February 20,
1992

Gentlemen:

In accord with News Release of October 15, 1991 by the
Wildlife and Fisheries, the spotted sea trout commercial fishing
season is to be changed to April thru September 14 each year,
excluding all weekends.

Natural Resources Comm.
October 30, 1991
Page 2

The quota is to be cut by 250,000 pounds, and under Section E, it appears that recreational fishermen would be allowed to sell their catch.

During the last legislative session, state biologist clearly stated that the spotted sea trout was not in danger under existing commercial quotas.

The Roach HB 1592-Act 708 was intended to prevent the rule changing proposed in the news release.

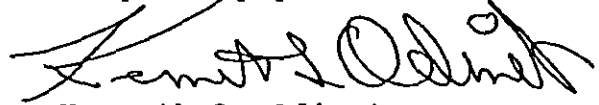
Please write the commission prior to November 15, 1991 and state your comments in this regard. Commercial fishermen are in no position to accept this quota reduction during these depressed times.

The legislature clearly stated their position on this issue just four months ago, it is unfair for the commission to circumvent the intent of both houses.

Your cooperation in opposing the rule change would greatly assist my constituents, and it will be sincerely appreciated.

With kindest personal regards, I remain,

Very truly yours,



Kenneth L. Odinet

KLO/mh
Enclosure

cc: Wildlife and Fisheries
A. Kell McInnis III

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

A. Kell McInnis III
Acting Secretary



CONTACT
(504) 765-2923

91-142

10/15/91

COMMISSION REVISES RULES FOR SPECKLED TROUT HARVEST

A detailed program of revised regulations for the commercial harvest of spotted seatrout (speckled trout) has been proposed by the Louisiana Wildlife and Fisheries Commission.

Meeting Oct. 8 in Baton Rouge, the commissioners voted to file a Notice of Intent that provides for the following:

A. There shall be a closed season for the commercial take from Louisiana waters, and a prohibition of the commercial possession of spotted seatrout, including but not limited to a prohibition of the possession of spotted seatrout on any vessel possessing or fishing any seine, gill net, trammel net or hoop net, whether taken from within or without Louisiana waters, and the commercial sale, barter or trade of spotted seatrout in Louisiana from 12:01 a.m. April 1 until midnight Sept. 14 of every year.

B. There shall be a prohibition of the commercial take from Louisiana waters, and the commercial possession of spotted seatrout on the waters of the state, including but not limited to a prohibition of the possession of spotted seatrout during the

more

first add specks

closed period on any vessel possessing or fishing any seine, gill net, trammel net or hoop net, whether taken from within or without Louisiana waters from sunset Friday through sunset Sunday for every weekend of the open commercial spotted seatrout season. (These weekend periods will remain open for recreational fishing, however.)

C. The annual commercial quota for spotted seatrout shall be one million pounds. (It formerly was 1.25 million pounds.)

D. The commercial season for spotted seatrout shall be closed on the earlier date of 12:01 a.m. April 1, or when the quota has been reached, or when the staff of the Department of Wildlife and Fisheries predicts the one million pound quota will be met each year.

E. Nothing shall prohibit the possession by commercial fishermen off the water of fish legally taken during any open period, or commercial dealers and anyone other than a commercial fisherman licensed to sell, barter or exchange spotted seatrout from possessing, selling, bartering or trading spotted seatrout taken legally during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4. *spots*

F. Pursuant to R.S. 56:322 and effective with the seasonal closure, or the closure coming after the quota has been reached, or projected to have been reached, the legal commercial mesh size for all gill nets, trammel nets and seine nets used in saltwater areas of the state, other than strike nets, shall be a minimum of four and one-half inches stretched and a person shall have in possession or use aboard a vessel no more than two strike nets.

This rule shall become effective on Feb. 20, 1992.

Interested persons may submit written comments on the proposed rule to the following address before Nov. 15, 1991:
Acting Secretary, Louisiana Department of Wildlife and Fisheries,
Box 98000, Baton Rouge, LA 70898-9000.

J. Clark
K. Foster
Please prepare response
§ 9-26

2417 Trio St.
Chalmette, La 70043
September 23, 1991

Mr. A. Kell McInnis, acting secretary
Dept. of Wildlife & Fisheries
P O Box 98000
Baton Rouge, La. 70898

Mr. Mc Innis:

I called you long distance and could not get you on the phone.
I talked to four people there and they acted as though they
did not know you.

I sold my boat and all my fishing equipment and am now playing
golf. The gill nets and purse seines depleted the fish in
St. Bernard Parish. The greedy commercial fisherman (who obey
no rules) are killing the goose that laid the golden egg.

I will not go fishing anymore but you seem to be on the right
track. I wish you all the luck in the world as you will need
it.

Sincerely,

James Daigrepont
James Daigrepont

P. S. Let the commercial fisherman catch and sell all they
want but catch them with a rod and reel.

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LA. DEPARTMENT OF
WILDLIFE & FISHERIES

SEP 26 1991

ASSISTANT SECRETARY
OFFICE OF FISHERIES

SEP 25 91

ASST.
SECRETARY

Spencer V. Comm. 1

560 E. Marlin Ct.

Alhambra, Ca 90056

9-19-91 Karen,

Please excuse response

J

RECEIVED

SEP-23 91

OFFICE OF THE SECRETARY

Dear Sir,

I am in favor of new rules modifying regulations governing the commercial harvest of speckled trout. I am a recreational fisherman and feel that these new regulations will help many of us, while hurting few. I have watched time & again as my best trout spots are taken over by nets, leaving nothing for people like me.

Sincerely,

Joe Phillips

RECEIVED

LA. DEPARTMENT OF
WILDLIFE & FISHERIES

SEP 25 1991

ASSISTANT SECRETARY
OFFICE OF FISHERIES

cc ~~J. Clark~~
~~J. Jenkins~~
~~Common meeting~~
September 16, 1991

Karen Please
Prepare response
\$

A. Kell McInnis, Acting Secretary
Department of Wildlife and Fisheries
P.O. Box 98000
Baton Rouge, LA 70898

Dear Mr. McInnis:

In response to the Wildlife and Fisheries proposal to further limit gill netting for speckled trout, I would like to comment as follows:

1. I think gill netting for speckled trout and redfish should be banned completely. The catch of the sportsfisherman over the last five years has dwindled to where it is not worth going fishing. Whereas I and many of my fishing acquaintances would at least sometimes get a limit of trout five to ten years ago, now struggle to catch a dozen trout per boat. My personal log since 1975 is proof of how each year my fishing success has dwindled.
2. The current method of accounting for commercial catches of trout is a joke. I fish in Cocodrie exclusively and I see not only trout coming in on net boats, but redfish as well. If I turn someone in, I'll probably get my camp burned down, so if the netters are able to get away with hiding redfish, I know they are hiding trout. I've even seen redfish and undersize trout at Schwegmann's supermarket. Therefore, I find it hard to support a quota which is not policed and catches are easily hidden.
3. I can support your proposal under one circumstance, that is if it is part of a plan to rid the state of gill netting for specks and red forever, and the method of accounting for the commercial catches in the meantime is rectified.

Thank you for your time and interest in hearing my comments.

Robert H. Himes, Jr.
Robert H. Himes, Jr.
3220 Roosevelt Blvd.
Kenner, LA 70065

SEP 20 91

Karm - Please prepare
response of

~~cc J. Clark~~
~~W. V. Clark~~
~~J. Jenkins~~
~~common file~~

From: ROSALIND ROWELL

DEAR Mr McINNIS

I HAVE RECENTLY BECOME
A BOAT OWNER/FISHERMAN, BUT FOR
YEARS FRIENDS OF MINE HAVE TOLD
ME HOW "NETTERS" HAVE BEEN
RAVAGING THE "INSIDE" FISHING
WATERS WITH THEIR "UNATTENDED"
NETS. I AM VERY ENCOURAGED TO
SEE SOME SANITY BEING APPLIED TO
THIS PROBLEM AND I SUPPORT YOUR
EFFORT IN THIS DIRECTION - MY
FAMILY & I HOPE TO HAVE MANY
YEARS OF PRODUCTIVE FISHING IN LA.

DAN ROWELL
4221 KANSAS AVE KENNESHA
70065

THANKS FOR
YOUR EFFORT



October 2, 1991

Mr. Jimmy Jenkins, Chairman
LA Wildlife & Fisheries Commission
2000 Quail Drive
Baton Rouge, LA 70808

Dear Mr. Jenkins:

I as well as other seafood industry representatives posed several poignant questions at the most recent commission meeting; however, you and other commissioners either avoided or refused to provide any response at what was supposedly a "public meeting."

The purpose of this letter is to request an immediate, direct and written response to the following questions which pertain to the circumstances surrounding your decision to file a Notice of Intent to reduce the commercial quota of speckled trout. Please respond to the following questions:

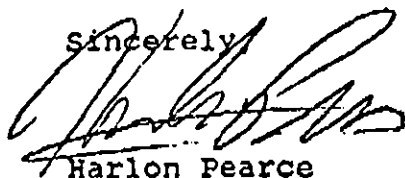
- (A) Who, if anyone, was notified to represent the commercial seafood interest? By what specific means did the Gulf Coast Council Association receive notification of these meetings? (Please include with your response copies of the taped proceedings, any handwritten notes, or any other records from these meetings.) And if such notice was sent to consumer and commercial interest, how many days prior to the meeting(s) was it sent?
- (B) Senate Bill 535 and House Bill 1592 requires that any modification to quota's and other fishery management measures be fair and based on biological, sociological and economic data. Please provide the biological, sociological and economic justification for the proposed modifications to the commercial speckled trout fishery.
- (C) Four months ago during the 1991 legislative session, Louisiana Department of Wildlife and Fisheries staff testified that there was no need to change the commercial harvest or quota of speckled trout. This position was also reflected in the voluminous Louisiana speckled trout management plan. What has occurred over the last three to four months which prompts you now to make the proposed changes?

Mr. Jimmy Jenkins
Louisiana Wildlife & Fisheries Commission
October 1, 1991
Page Two

- (D) Please provide specific instances and the circumstances that lead to the perceived need to make the changes proposed in your Notice of Intent.
- (E) What were your motives and what are you seeking to accomplish with the proposed changes. For example, is your goal/motive conservation?
- (F) What ever the goal(s), was consideration given to measures that would curtail the effort and catch of recreational fishermen? If so, what measures were considered? If not, why? If such measures were considered but later discarded, please explain why.
- (G) We were promised copies of the Notice of Intent that was read and voted on. Where is it? Why has it taken so long to send? Please include a copy with your reply?
- (H) When was the Finfish Committee formed? Are there any records from public or closed meetings which show discussion(s) about the need for the establishment of this committee? What is its purpose? Finally, how was the original membership to this committee established?
- (I) Approximately two years ago the department formed a Finfish Task Force comprised of various user group representatives. Did this group have an opportunity to provide input? What role, if any, will they have in future finfish recommendations?

This letter has been sent on behalf of each organization on the attached list. On behalf of all, I trust that you will provide a prompt response. Forward your response to the address shown on my letterhead.

Sincerely,



Harlon Pearce
Sales Manager

cc: Governor Roemer
Billy Guste
Commercial Fishing Organizations

Bill Dekemel
E Bank Commercial Fishermen's Assoc
#11 Treasure Isles
Slidell, LA 70461
504/646-1954

L. J. Brunet, President
Organization of LA Fishermen
P. O. Box 220
Galliano, LA 70354
504/475-6770

Daniel Shay, President
Coastal Concerned Assoc.
Rt. 2 Box 64-A
Creole, LA 70632
(318)542-4355

Darcy Kiffe, President
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Grand Isle, LA 70358
(504)340-8034, 787-3131

J. Clark



October 2, 1991

OCT 07 91

Mr. Kell McInnis, Secretary
LA Wildlife & Fisheries
2000 Quail Drive
Baton Rouge, LA 70808

Dear Kell,

I as well as other seafood industry representatives posed several poignant questions at the most recent commission meeting; however, you and other commissioners either avoided or refused to provide any response.

The purpose of this letter is to request an immediate, direct and written response to the following questions which pertain to the circumstances surrounding your decision to file a Notice of Intent to reduce the commercial quota of speckled trout.

Please respond to the following questions:

- (A) What members of the Louisiana Department of Wildlife and Fisheries technical staff were present at the two meetings of the commission's finfish task force? What input, if any, did they provide?
- (B) You pointed out the Enforcement Division had expressed certain problems with the implementation of the "special strike force" that had been incorporated into the Notice of Intent. It is my understanding, that on September 3, 1991 Jerry Clark stated at a staff meeting that at the upcoming September 5, 1991 commission meeting, you should state "these recommendations reflect the position of the commission and do not reflect the position of the department or the technical staff." Why were you remiss in doing this? And for the record, what is the position of the department and the technical staff relative to the need for each of the proposed changes?
- (C) Please provide copies of all interdepartmental memos and documents, handwritten notes and letters, notes and memos to/from the commission or the Finfish Committee relative to this matter.

Mr. Kell McInnis
Louisiana Wildlife & Fisheries
October 1, 1991
Page Two

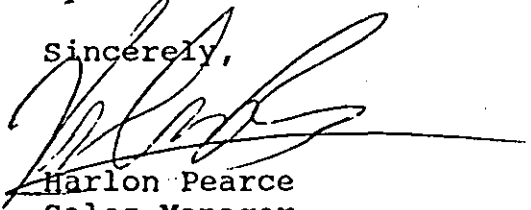
(D) Four months ago during the 1991 legislative session, Louisiana Department of Wildlife and Fisheries staff testified that there was no need to change the commercial harvest or quota of speckled trout. This position was also reflected in the voluminous Louisiana speckled trout management plan. If the department's position has changed, what has occurred over the past four months which would require the proposed changes?

(E) Please provide a copy of the Notice of Intent and the department's fiscal impact statement.

W. D. Lane
(F) Finally, I would like to request that the Department prepare a report for the past twelve months on finfish citations to recreation fishermen who were fined for possessing trout and redfish that were either over the limit or undersized. Also, on this matter I have reviewed the 1989 NMFS recreation survey data which among other items reports on "catch over the limit" by recreational fishermen. Sixteen to eighteen percent (i.e. 16%-18%) of their catch of speckled trout is in excess of the daily creel limit. This does not even consider or count the amount of undersized trout caught by sports fishermen. Please have your technical staff extrapolate what the total "illegal catch in excess of the limit" would be. It appears to me, based on simple calculations, that that amount would be in excess of the total commercial quota of speckled trout; keeping in mind this figure does not even reflect "undersized-illegal" catch by sports fishermen. What do you propose to do to address and curtail the effort and catch by the group (e.g. sports fishermen) that puts the greatest pressure on this resource?

This letter has been sent on behalf of each organization on the attached list. On behalf of all, I trust that you will provide a prompt response. Forward your response to the address shown on my letterhead.

Sincerely,


Harlon Pearce
Sales Manager

cc: Governor Roemer
Billy Guste
Commercial Fishing Organizations

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OCT - 8 1991

ASSISTANT SECRETARY
OFFICE OF FISHERIES

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E Bank Commercial Fishermen's Assoc
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Slidell, LA 70461
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Louisiana Fishermen for Fair Laws

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(318) 923-7238
Henry Truelove, President

November 12, 1991

Mr. Kell McInnis
Acting Secretary, L.D.W.F.
P. O. Box 98000
Baton Rouge, LA 70898

Dear Mr McInnis:

On October 2, 1991 Mr. Harlon Pearce drafted and sent a letter to you on behalf of our organization. To date you have failed to respond in any way to the questions raised in that letter. It is important to us, as well as being very important to the public good that you provide a written response to the questions raised. Our ability to prepare an intelligent response to the notice of intent, as well as to the fiscal and economic impact statement, has been handicapped by your failure to acknowledge and respond to our questions.

While we are perturbed by your inactions, we trust that you will prepare a response and get it to us as quickly as possible. Finally, in your response please include the dates and times of any public meetings that are planned to discuss this issue.

Sincerely,



Henry Truelove
President, L.F.F.L.

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WILDLIFE & FISHERIES

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NOV 18 1991

ASSISTANT SECRETARY
OFFICE OF FISHERIES



Louisiana
Seafood

cc J. Clark
Please review by me

October 30, 1991

Mr. Kell McInnis
Secretary
Dept. of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, Louisiana 70898-9000

Dear Mr. McInnis:

Our next scheduled meeting will be held in Baton Rouge on November 20, 1991 at 1:00 pm in the Louisiana Room.

The Board Members are very interested in the background of the current notice of intent to reduce commercial harvest of speckled trout and other issues related to this proposal. We would appreciate your cooperation by having the appropriate department biological staff prepare a presentation covering all aspects of this issue. That person should also be prepared to answer questions.

Finally, you have yet to officially select a representative to the Seafood Board from Wildlife & Fisheries. Considering the resignation in June of the previous department representative, I trust that a selection could be finalized before our November 20, 1991 Board meeting.

Sincerely,

Sam Slavich
Chairman

cc: Karl D. Turner

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Louisiana Seafood

November 25, 1991

Mr. Jimmy Jenkins
Chairman
LA Wildlife & Fisheries Commission
P. O. Box 98000
Baton Rouge, Louisiana 70898-9000

Dear Mr. Jenkins:

This letter is sent to reflect the position of the Louisiana Seafood Promotion and Marketing Board relative to the proposed changes in the commercial harvest of spotted sea trout and other matters related thereto.

Our opposition to these proposed changes are based on biological, sociological and economic principles.

1. Specific objections based on the summary page of the economic and fiscal impact statement:

Section II entitled, Estimated Effect on Revenue Collections of State or Local Government Units, states the following, "This proposed rule will likely yield an enhanced expectation of successful fishery efforts thereby potentially increasing the frequency of recreational fishing efforts. Since direct expenditures by recreational fishermen are relatively large there likely will be positive economic impacts to coastal areas by increasing sales tax revenues. In all likelihood, however, these changes are likely to be marginal at all levels."

In the statement above the words "large" and "marginal" are contradictory. On a multi-million pound annual sport catch, the addition of plus/minus 250,000 pounds for sport access will have no affect on effort and expenditures. Also, from a statewide perspective, there will be no positive impacts since the sales tax revenues are simply transfers from one area to another.

Section III of the summary page which is entitled, Estimated Cost and/or Economic Benefits to Directly Affected Persons or Non-Government Groups, states that, "Benefits are expected to accrue to recreational fishermen anticipating enhanced fishery experiences and the industry that supports recreational activities..."

This is a hollow and unsubstantiated claim since there will be no benefits to anglers due to the 250,000 additional

Mr. Jimmy Jenkins
LA Wildlife & Fisheries Commission
November 25, 1991
Page 2

pounds they would catch because no relationship on available fish and trips was demonstrated in the document.

Section IV entitled Estimated Effect on Competition and Employment states the following, "The proposed rule may result in increased employment in the recreational fishery industry, for instance guide services, food, lodging, boat launches, etc. and may result in some unemployment in the commercial fishing sector if other commercial fishing or other sources of employment are not found to replace the loss activity."

An employment multiplier would have to be cited for there to be employment resulting from the 250,000 pounds. Also, this if stimulated by expenditures simply occurs as a result of expenditures transferred from alternative purchases. Thus, employment must decrease in other sectors. This is the classic zero sum game!

Part III of the Worksheet section of the fiscal and economic impact statement states the following, "The people of Louisiana will likely benefit because; 1) The proposed reduction in the commercial harvest will provide a biologically beneficial increase in the spotted sea trout spawning stocks, or 2) A potential increase in recreational activity that will be economically beneficial to the state.

This section also goes on to state in the third paragraph that, "Total number of recreational participants may be as much as fifty percent higher ..."

In response to this section, it is not possible to have the 250,000 pounds contribute to both stock reproductive ability or SSRB and to increased recreational activity! In other words, if recreational fishing effort is increased, then by definition, greater pressure is placed on the stock.

The relevant question is how can a 250,000 pound amount contribute to stock enhancement with the least negative economic impact. There would be less negative impact from taking 250,000 pounds from the multi-million pound sport fishery where there is little proven relationship between trip catch and expenditures than taking from the commercial industry which functions on a much smaller share. Another alternative, assuming the primary goal is conservation of resources and not simply to further curtail consumer and commercial access to yet another of the state's renewable natural resources, would be to increase the recreational size of speckled trout from 12 inches to 14 inches. In any event, the current proposal does not in any way conserve

resources. Rather it simply shifts 250,000 pounds away from the commercial quota into the recreational catch.

Finally, the economic impact statement states in Section II of the summary page that, "This measure will potentially increase the frequency of recreational fishing efforts."

The graph on page 74 of the Department's Spotted Seatrout Fishery Management Plan indicates that there is a direct relationship between catch and effort in the recreational fishery. Therefore, if effort increases as suggested above, this measure would place more pressure on the resource than is allowable to conserve the stocks. So again we must question the motives and wisdom of this proposal.

2. The next basis of objection will be the actual notice of intent itself.
 - A. No members of the commercial sector or the restaurant industry were invited or participated in the discussion to bring about this change. Only members of the sport fishing industry, namely the GCCA, were present at that meeting. Also, the notice of the August 20, 1991 meeting on this issue was sent out on August 19, 1991. In all three cases, the notices of meetings about this issue has left the commercial sector with very little to no time to prepare.
 - B. The element of the proposal which would ban commercial fishing for trout on the weekend jeopardizes an individual's right to work. A commercial fishermen cannot predict what the weather will be like three weeks from now during the week and/or during the weekend. It may rain all week but on the weekend clear up. To deny hard working fishermen the opportunity to earn a living on the weekend when it is sunny, so that another group can play and have fun, would violate certain inalienable rights guaranteed under the constitution.
3. The following objectives are based on direct quotes from the tapes of Senate and House Natural Resource Committee during the 1991 Legislative Session. Some newspaper quotes are also cited.

In response to a question posed by the late Senator Chabert, Jerry Clark, Undersecretary for Wildlife and Fisheries, stated the following, "According to our estimation we feel that the current harvest levels of speckled trout does not endanger the status of that stock in any way."

Mr. Jimmy Jenkins
LA Wildlife & Fisheries Commission
November 25, 1991
Page 4

In response to the following question from the late Senator Chabert, ... "What you are saying is that we leave it status quo, as it is now. You feel we will not hurt industry and the stocks will pick up and be better this year than last year as far as the trout are concerned..." Dr. Clark, "Yes".

In response to a question by Senator Kelly in which he asked, "What is the status of the stocks of red fish and speckled trout?" Jerry Clark responded in the following manner, "...The bottom line on the status of the spotted seatrout is that we have looked at the history of the harvest and the history of the stock over the past ten years and it is our conclusion that the harvest rates over the past ten years have not depleted the stock and the current harvest rates, in total, are safe."

Other comments by Wildlife and Fisheries staff during the testimony include the following, "... As far as the spotted sea trout is concerned, our recommendation is that although it is a heavily fished species, the current harvest levels are appropriate and the fishing pressure on that species is such that the stock can handle it."

These type of remarks were also cited in several newspapers throughout the State during the period of May and June 1991. Given this background and the other objections raised above, we must doubt and reject the motive behind this proposal.

Finally, this proposal to capriciously reduce the commercial quota of speckled trout and other actions related thereto is a violation of the spirit and intent of HB 1592 passed in 1991 in order to establish a state fishery management policy.

Sincerely,

A handwritten signature in cursive script that reads "Sam Slavich". To the right of the signature is a small handwritten mark that appears to be "109".

Sam Slavich
Chairman

Louisiana Fishermen for Fair Laws

P. O. Box 292
Charenton, LA 70523
(318) 923-7238
Henry Truelove, President

Gentlemen:

As a member of the once conceived Marine
Finfish Panel. I am very disappointed in not
having the opportunity to review or consider the
information on Special Gearout.

I am now both orally & in writing asking for
the scientific & technical data on which these management
measures are based.

I also need the help of this committee
to help define the status of the Marine finfish Panel,
either help us to make it work, as it did on
Black Drum, or help to disband it to put it
out of its misery.

Henry Truelove

President
Louisiana Fishermen For Fair Laws.

Commercial Reg.
Gulfwater Finfish
Task Force.

12-3-91

SPOTTED SEATROUT COMMENTS

COMMISSION MEETING

September 5, 1991

NAME	FOR	AGAINST
Justin Schoest		X
Jane Black		X
Peter Gerica		X
Daniel Edgar		X
Barry Schaffer		X
Milton Cambre	X	
Russell Black		X
Ed Martin		X
H.R. Burke	X	
Harlon Pierce		X
Elliot Schoest, Jr.		X
Jessie Fontenot	X	
Richard Green		X
Mark Hilzim	X	
Clay Peltier	X	
Glenn Cormier	X	

MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

September 5, 1991

Chairman James H. Jenkins, Jr. presiding.

Thursday, September 5, 1991

Houston Foret
Bert Jones
Norman McCall
Warren Pol
Jeff Schneider
Pete Vujnovich

Acting Secretary A. Kell McInnis III was also present.

Chairman Jenkins called for a motion for approval of the August 9, 1991, Commission Minutes. A motion for adoption was made by Mr. Pol and seconded by Captain Vujnovich. The motion passed unanimously.

Chairman Jenkins asked Ms. Bettsie Baker to make her Presentation to the Computer Section. Ms. Baker reported that when she first came to the department a lot of the scientific staff came to her with problems that they had with computing services. At this time the main frame computer only serviced certain sectors of the department. Since the scientific staff was becoming more and more scientific in their biological data and analysis they needed enhanced capabilities through the computer system. A dream was planted three and a half years ago to acquire a new computer that would better suit not just the needs of the accounting staff, licensing section and boat registration, but everybody. People within the department spent quite a lot of time meeting with various computer companies looking at what the department's needs were to move into the next generation of computing capabilities. The department was able to work through all of the appropriate budget processes to come forward and acquire a new computer. Ms. Baker pointed out that the acquisition of the new computer is only one piece of this process; making the computer work is a major undertaking and stated that she was very proud to say that the department's computer staff was able to bring this computer dream on line, on budget, and on time which was a miracle. At this point during the meeting Ms. Baker recognized the following people for their efforts in this project and presented them each with a certificate.

S. K. Majahan
H. F. Wilson

Henry Gauthier
Tim Souther

Gail Sims
Denise Dubois
Ela Mae Dupui
Janelle Sutton
Tabatha Demary
Anselmo Rodriques

Julie Phillips
Al Brown
Gladys Pratt
Danny Veals
Doug Moranto
Bobbie Savant

Special recognition was given to Danny Veals who was presented with a plaque. Mr. Veals traveled statewide to the different offices and put this statewide computer network on line. Concluding, Ms. Baker thanked everybody for their efforts.

Chairman Jenkins advised that the next item on the agenda was the Trout Management issue and proceeded to give some background information. The legislature this year decided to give speckled trout management to the Commission advised Chairman Jenkins. This issue is not just a biological issue, but also a social and economic issue, and dividing the resources among users is a tough problem. The Commission formed a Marine Finfish Task Force which has met on at least two occasions with some public input. The committee is made up of primarily staff and Commission members. Statistics and different scenarios were reviewed. After deliberations the committee, last Thursday, did vote to make a recommendation to the Commission. Chairman Jenkins called on Mr. Pol for the recommendation.

Mr. Pol advised that the five man committee was made up of Jenkins, Vujnovich, McCall, Schneider and himself. Mr. McCall was not able to attend the meeting. The suggestion, resolution and motion of the committee was unanimous. Mr. Pol than read the following recommendation:

"For the year of 1991 the trout season will begin on September 1, 1991 and end on April 1, 1992. For the year of 1992 the trout commercial season will begin on September 15, 1992 and end April 1, 1993 and continue thereafter. The quota for commercial catch has been reduced from 1,250,000 pounds per season to 1,000,000 pounds which has been the historical catch for a number of years. The commercial season will last until the quota or April the first is reached, whichever comes first. There shall be no nets for any saltwater fish in the water from midnight Friday to sunset on Sunday."

Mr. Pol continued and read another recommendation from the Committee.

"After many complaints, phone calls,... netters, the length of the 1991 season the committee directs the Secretary to form a Saltwater Finfish Task Force. This task force sole duty will be enforcement, surveillance, routine checking of the law. This task force shall be formed immediately out of the present graduating class. It shall be composed of a minimum

of four people who shall be provided with the necessary tools and equipment to do their job. These men shall not be used for any other reason other than the above. There shall be a special phone number set up for the purpose of receiving and documenting complaints or violations. The Secretary shall give Chairman Jenkins a report on the formation of this task force within two weeks of this meeting."

Concluding, Mr. Pol advised that these were the recommendations from the committee which were unanimously voted on.

Chairman Jenkins called for public comments on the recommendations for trout management. Public comments were limited to three minutes each.

Mr. Justin Schoest, commercial fisherman, Franklin, LA. addressed the Commission. Mr. Schoest fishes out of Cypremort Point and advised that he always has a man on his nets from the day they are put out to the day they are picked up. Mr. Schoest is against closing the weekend to netting and forming another task force. He feels that there are too many laws already and wants to know what the reason is for closing the weekend to netting.

Ms. Jane Black, spokesperson for the Organization of Louisiana Fishermen, addressed the Commission. Ms. Black reviewed provisions of Act 157 and 708 of 1991 legislation. In these provisions it is stated that management decisions and conservation decisions should be based upon biological and technical data in no less than four places. Ms. Black asked if there has been a change during the last few months, since the results of the stock assessment, to cause the Commission to recommend this action. At the time the stock assessment was explained to the Commission and to the public it supported the existing total allowable catch and the allocation between the recreational and commercial fishermen. Act 708 states that if allocations or assignments are necessary they are to be fair and equitable to all the fishermen and reasonably calculated to promote conservation. Ms. Black stated that she would like to know if the resolution is a conservation resolution, does it promote conservation; if so why is the only conservation action taken against one group and not against the other group. The first provision of the resolution takes a quarter of a million pounds of trout from the commercial trout fishery. This is a potential revenue loss of a half million dollars. There is no biological nor technical data available supporting this provision. There is no indication about future allocation of this quarter of a million pounds. Could it possibly be that this quarter of a million pounds will later become part of a twenty five fish recreational bag limit or even a smaller recreational bag limit. The recreational industry is faced with tough times ahead with their numbers increasing. There is no evidence of a fiscal impact study nor a social impact analysis required. There is no evidence what is going to happen with these fishermen when they lose a quarter of

a million pounds of fish. The second provision of the resolution generates several results that are unlikely have not been considered. In particular there are fishermen in the state who traditionally harvest their fish in the late spring, summer and early fall. These fishermen will not have equal access as the quota will be filled prior to their harvest period. If not filled the season will be closed because of the force of the date. This action to create the season from September 15 to April 1 is going to create derby fishing. The commercial fisherman will be forced to harvest in a quick fast manner in order to fill the quota before the day closes the quota rather than the poundage. It is going to force the fishermen to fish during the winter when trout are worth the very least amount of money. It will be an economic impact that has not been analyzed. The third provision prohibits netting on weekends. Ms. Black stated that she understood that the provision was to be netting for trout, but today she understands it is for all fish. The only rationale for this provision that Ms. Black has been able to find from the proponents is "to reduce conflict between recreational/commercial fishermen". Not a management decision, not a conservation decision but a decision to reduce conflict. In 1991 in Act 886 a bill that was sponsored by Representative Roach from Cameron and passed states "No one can willfully encircle a recreational fisherman with a commercial net nor intentionally hurt him in anyway with his boat. Neither can any recreational fisherman intentionally use or employ a vessel or recreational gear to interfere with a lawful commercial fisherman". Also in Act 708 of this year's legislation in the Fisheries Standards it states "Conservation and management measures shall minimize cost and avoid unnecessary duplication." With Act 886 in place this provision of this resolution is an unnecessary duplication if in fact there is a problem, the problem has already been addressed and the removal of fish nets for the weekends is a duplication of existing law. In closing, Ms. Black respectively requested the complete withdrawal of this resolution and recommended that the Commission seek the opinion on the proposed resolution and others of this type in the future from the Attorney General before proceeding forward.

Mr. Peter Gericca, Lake Pontchartrain Fishermen's Association, addressed the Commission. Mr. Gericca stated that he was mostly representing himself. Mr. Gericca is completely against the no nets provision and asked why? Is the Commission trying to completely put the commercial fishermen out of business just for a few GCCA members so that the sports can go out on the weekend. This is unfair and Mr. Gericca cannot understand why somebody would vote for this. There are more trout right now than there have been in the last ten years. Why all of the change?

Mr. Daniel Edgar addressed the Commission. Mr. Edgar advised that he had a few questions but Ms. Black addressed most of them. Mr. Edgar advised that the conflict between the recreational and commercial fishermen is in the summertime and he is really

concerned that this would be stopping the weekend fishing when the recreational fishermen are not out there in the wintertime. Don't stop the commercial fishermen from working when the problem is not even out there stated Mr. Edgar. This is unfair. Mr. Edgar requested a copy of the resolution. Chairman Jenkins pointed out that this was not a motion of the Commission but just a recommendation that came out of a committee meeting. Mr. Edgar advised that he was also concerned that the Marine Finfish Task Force members and commercial representatives were not consulted, invited, etc. to the meeting. Chairman Jenkins explained that this was a meeting of a committee of the Commission and it was not a public hearing but the public was invited to come. Notices were given and there were a few people in attendance. This was primarily a discussion between the Commission members on the committee and the staff. The meeting today is the public hearing advised Chairman Jenkins.

Mr. Barry Schaffer, commercial fisherman, Metairie, LA, addressed the Commission. Mr. Schaffer is against the no netting on the weekends. Mr. Schaffer advised that he very seldom fishes for trout, but fishes mostly for sheephead. The department has nothing on the sheephead (management plan, quota, etc), so how can the department tell him he cannot fish them on the weekend? The people that sat on the committee/task force represented the GCCA and there was no one that represented the finfish fishermen of Louisiana stated Mr. Schaffer.

Mr. Milton Cambre, recreational fisherman, Norco, LA, addressed the Commission. Mr. Cambre advised that he has been fishing for speckled trout for forty years and it is getting very difficult. At the point now unless something is done he just as well hang it up. Mr. Cambre pointed out that unless something is done there is not going to be anything for anybody.

Mr. Russell Black, Lafourche Parish, member of OLF, addressed the Commission. Mr. Black advised that he lost everything four years ago because of restrictions and it is really sad what the Commission is trying to do to the commercial fisherman.

Mr. Ed Martin, commercial fisherman, Lafourche Parish, addressed the Commission. Mr. Martin advised that he makes thirty-forty percent of his income catching other fish besides speckled trout. It is getting worse every year and the Commission is putting the fishermen out of business.

Mr. H.R. Burke, recreational fisherman, Baton Rouge addressed the Commission. Mr. Burke advised that he has made four trips to go speckled trout fishing in the last month and did not catch the trout. There wasn't one trout caught that measured over thirteen inches long. Every year it is less and less. Commercial people have strained the water of the big trout.

Mr. Harlon Pierce, Secretary-Treasurer of the Louisiana Seafood Marketing Board addressed the Commission. Mr. Pierce asked the following questions: 1) How do people get notification of the committee meetings that are occurring? 2) What members of the technical staff of the department were present at these meetings of the committee? 3) What are the opinions of the technical staff regarding these recommendations? 4) What are the motives or how are each and every part of the plan justified? 5) What is the biological data to justify these actions? 6) Questioned the one million pounds quota being the historical ten year average. The quota was given to the commercial sector not because of over fishing of speckled trout but because red fish had been shut down and it was the concern of the department that the pressure would go to speckled trout, not because the trout was endangered. A hundred and four days will be taken away with the weekend ban not just for trout fishermen but for every other fisherman in the water. 7) Does this plan affects the shrimper? The fisherman fishes when he can catch fish, not because it is a Saturday, Sunday, Monday or Tuesday. All the proposal are aimed at the commercial sector. 8) Why is the commercial sector taking the brunt of the attack and can it be justified? The National Marine Fisheries reports show that twenty two percent of the recreational sector's catch has been over the limit catch. Concluding, Mr. Pierce asked that these questions please be answered.

Mr. Elliot Schoest, Jr., commercial fisherman from Cypremort Point, addressed the Commission. The commercial fisherman does not hurt the fish. When the quota is caught the commercial fisherman shuts down. Certain size meshes are used so that the younger specks are not caught. During the spawning season when the sports fisherman catch the big trout a lot of baby trout are killed. The sport fisherman is catching the fish for pleasure. Mr. Schoest pointed out that he is catching fish in order to make a living and asked that the Commission be just on the commercial fisherman.

Mr. Jessie Fontenot, Morgan City, addressed the Commission. Mr. Fontenot advised that he was here to represent the commercial and sport fisherman. Mr. Fontenot chairs a committee for the St. Mary Industrial group which is a non-profit organization. There are 150 members who are all business people and employ between 16-20,000 employees. The group is involved in political and industry and work very hard to develop industry and protect industry. Mr. Fontenot stated that one of his concerns was with all the specks there are why did it take eleven months to catch a million and a quarter pound. Everybody needs to protect what we have. Sportsmen have done their share to cut limit. Would like for the sportsmen and commercial fishermen to work together. Mr. Fontenot very strongly supports the department's program.

Mr. Richard Green, Lafourche Parish, addressed the Commission. Mr. Green questioned the recreational fishermen catching over their

limit and how come the recreational fishermen have the weekends. Give the commercial fisherman a break.

Mr. Daniel Edgar addressed the Commission again. Mr. Edgar asked that with the timetable set does it mean that after April 1st or 15th the commercial fisherman will be able to fish nets on the weekends in the summertime. Chairman Jenkins stated "no". Mr. Edgar asked if it was going to be no weekend fishing for the entire year. Chairman Jenkins stated "right". Mr. Edgar asked if during the timetable from September to April they will not be able to fish speckled trout, can they fish for other fish. Chairman Jenkins stated that the way the resolution or motion read it said "no nets in the water on the weekends from September 15th till April 1st and then no nets in the water from April 1st to September 15".

Mr. Pol explained that the way it reads is that from September till April there will be no netting on the weekends. Also during the season that is closed, from April till September, there will be no netting on the weekends. Mr. Edgar stated that where he is confused is that he is trying to get the difference between summer and winter with the gill nets on weekends and has concluded that it is no nets on weekends annually. Mr. Pol stated "yes" that is the way the resolution reads. Mr. Edgar asked if the task force or committee that was formed addressed shrimping or other types of netting, is this saltwater and freshwater. Mr. Pol advised that it is just saltwater. Mr. Edgar requested that the Commission answer the questions from Ms. Black, and Mr. Pierce in writing.

Mr. Mark Hilzim, GCCA, addressed the Commission. Mr. Hilzim read the following statement on behalf of the GCCA. "As you no doubt are aware GCCA and some twenty other groups introduced legislation to grant gamefish protection to both specks and reds. That same legislation also granted authority to the Wildlife and Fisheries Commission to regulate specks and red. While redfish were a quota gamefish status specks weren't. The authority for the Commission to manage specks, however, were provided in the final legislation. And of course it is a result of that legislation that we are here today to discuss changes in the management of speckled trout. Now while GCCA supported legislation to give the Commission authority for speckled trout I think it is important to know that the action which you are considering today is not being taken as a result of pressure by GCCA. GCCA did not propose the changes which you are considering, and while GCCA participated in discussions held by the Finfish subcommittee of the Commission GCCA has had no formal hand in the drafting or decision making processes surrounding today's action. It was GCCA's position during the recent legislative session and remains GCCA's position that speckled trout should be afforded gamefish protection. It remains a mystery to us that trout cannot be afforded the same protection as of other valuable and limited public animal resources. Even the most cursory look at both the statistics and the effect on this and current regulations tells you that something is wrong. Recreational trout

landings and pounds have dropped steadily from 1986 to 1990 with 1990 weighing in at less than twenty six percent of 1986 figures. The recreational share of the fishery has dropped from its 1980 to 1989 average of eighty three percent to only sixty eight percent in 1990. These decreases aren't only numbers on paper they also represent a tremendous impact on those many thousands of people who depend on the recreational fishery to support themselves. Ask any boat dealer, tackle dealer, bait dealer, coastal restaurateur, motel owner, etc. what impact the down turn in the recreational saltwater fishing economy has had on their business. And this is no small industry, as much as a billion dollars a year or more. And while we know that there are problems in the fishery and while we know that this fish is much, much more valuable in the state when used recreationally we are still forced to sit back as we did this summer and watch a army of netters catch every trout in sight because a quota has not been reached. This quota, of course, is one that depends on the commercials themselves accurately reporting their catch. Since 1986 when the first comprehensive set of regulations was enacted for speckled trout recreationals have had their take cut by both minimum size and creel limits reduction. This has put them below their 1980 to 1986 average while the commercial fishermen is fishing at least twenty six percent above his 1980 to 1986 average. The one originally used to compute the quota. If speckled trout is the most important recreational fish why are we taking it away from the recreationals and giving it to the commercials. One thing is obvious. We can't take another summer like this past one. The fish can't take it and the potential for a dangerous confrontation is just to great. I make all these points to put the action that we are considering today in the proper perspective. It is not the power play of one user group over the other, it is not the test of one group's political strength over the strength of another, rather it is the action of those people who have been lawfully charged with the authority and responsibility to manage Louisiana's fisheries resources. It is an action which I am sure all will take after considering all aspects of the problem, biological, economic and social. It considers historical characteristics of the fishery, the enforcement realities of managing the fishery, and the need to resolve a growing conflict. This Commission will not be acting in the dark. The trout profile and stock assessment released by the department provides a good look at the fishery. Scientists and agencies throughout the Gulf give testimony to the fact that the fishery does need more protection. Finally, the action operates well within the framework established in the fisheries policy adopted by the legislature earlier this year. It's aimed at providing plentiful fish populations, it takes into account historical usage, it is not merely an economic allocation, and it takes into consideration the relevent economic and social factors. While GCCA still believes that specks should be gamefish and would go even further if we were the decisionmakers, we support this proposed action as an important first step in providing greater protection for Louisiana's speckled trout fishery. And let's not

forget that this is only a first step. The Commission has the authority to continually adjust the speckled trout fishery and GCCA looks forward to a continuing effort to properly manage and conserve this valuable renewable resource. Thank you."

Mr. Clay Peltier, marine dealer, President of the Louisiana Marine Trade Association and Regional Director of Marine Retailer Association, New Iberia, LA, addressed the Commission. Mr. Peltier addressed the economic impact of the recreational fisherman on Louisiana industry. The list is never ending and it is a big industry in Louisiana. Mr. Peltier pointed out a study that was done in 1984 by LSU, Center for Wetlands Research and the annual economic impact or the annual expenditures of license, recreational saltwater fisherman is estimated to be at \$487,619,000.00. The statewide annual impact of investment expenditures is \$151,000,000.00. The total annual contributions of license sold to recreational fishermen to Louisiana economy is conservatively estimated to be \$639,496,000.00. This study did not take into consideration at the time several other fields that now have a big impact and bring dollars into the state. Concluding, Mr. Peltier stated that this is a big industry, he hated to see it come down to a battle between the recreational and commercial fishermen, but thinks, like Mr. Hilzim said, we have to be concerned about the species. If the trends keep going like they are now there will be none for no one.

Mr. Glenn Cormier, recreational fisherman, Baton Rouge, addressed the Commission. Mr. Cormier pointed out that not all GCCA members are out to put them out of business. GCCA wants to protect the resource and believes the real problem that has come up is the problem of gill nets. Four states have outlawed gill nets in inside waters (California, South Carolina, Georgia and Texas). There is a movement in Florida to eliminate gill nets. The trout plan itself showed that prior to 1977 seventy four percent of the commercial fishermen preferred hook and line and the catch data showed that the poundage price in 1977 was equivalent to what it is now. Mr. Cormier stated that he was not here today to advocate that gill nets be done away with altogether but thinks if the problems cannot be resolved that maybe this suggestions should be looked at. Mr. Cormier also pointed out that there are problems on the recreational side that they are just as concerned about (catching over the limit, illegal size, etc.) but what he was more concerned was the newspapers showing the big strings of fish and stating that trout fishing is great which is not true. Everybody needs to work together and make sure that they all do what is best for the resource concluded Mr. Cormier.

Mr. Karl Turner, Executive Director, Louisiana Seafood Promotion Board, addressed the Commission. Mr. Turner questioned that while the intention of this regulation is to address certain concerns with the trout fishery the closure of the season for weekend fishing of all commercial netting activity would also impact the

menhaden fishery, the mullet fishery, the shrimp fishery and other components of the commercial fishery and was consideration given to the impact it would have on those other fisheries if not then it should be considered.

Mr. Elliot Schoest, Jr. addressed the Commission again. Mr. Schoest asked if the Commission ever thought about when the fish were spawning and make a season where the sports and commercial people cannot catch them.

At this point during the meeting Chairman Jenkins called for a five minute recess.

Resuming the meeting, Chairman Jenkins called for additional public comment before going to the Commission.

Mr. Justin Schoest, addressed the Commission again. Mr. Schoest asked if this no netting law has anything to do with shrimp trawling on the weekend? Chairman Jenkins stated "no sir". Mr. Schoest asked if it was for inside waters or outside waters. Chairman Jenkins stated that they don't control outside waters very far but to the extent that the Commission and state can control them it would be in those waters.

Mr. Pete Gerica addressed the Commission again. Mr. Gerica questioned the "no netting in the water" and what kind of nets are you talking about? Mr. Pol advised that he thinks the resolution would clear this up. Chairman Jenkins stated that there is not a motion yet but understands Mr. Gerica's question.

Chairman Jenkins asked the Commission if they had any questions or wanted to make a motion.

Mr. Foret advised that there should not be any quota, he was happy with the dates and to make it more even the recreationals should give up at least one of their months where no fishing at all should be allowed during spawning season. The fish in the water do not just belong to one group and disagrees with Mr. Hilz's statement that the trout should only be a gamefish. The fish that are out there belong to everybody in the State of Louisiana.

Captain Vujnovich advised that he agrees with Mr. Foret and goes along with no netting of speckled trout on the weekends, but this taking all nets out of the water will automatically put everybody that is in the oyster business out of the water also. Nets are used to catch oysters. Captain Vujnovich stated that he does not see too many speckled trout in Barataria Bay and if something is not done speckled trout will disappear slowly but surely. A study should be made of what is happening. Captain Vujnovich thinks the pollution of the water is causing the biggest fish kills.

Mr. Jones stated that he needed a little clarification of the nets that they are speaking of in the water.

At this point in the meeting Mr. Pol read the following notice of intent and resolution as a motion.

"This is a notice of intent. The Department of Wildlife and Fisheries, the Louisiana Wildlife and Fisheries Commission hereby expresses its intent to adopt rules and regulations affecting the management of the spotted seatrout fishery in Louisiana. The proposed rules and regulations are as follows: There shall be a closed season for the commercial take from Louisiana waters and a prohibition of the commercial possession including but not limited to prohibition of the possession on any vessel, possessing or fishing any seine, gill net, trammel net or hoop net of spotted trout (only thing taking into consideration) whether taken from within or without Louisiana waters and the commercial sale, barter or trade of spotted seatrout in Louisiana. There shall be a prohibition of the commercial take from Louisiana waters and the commercial possession of spotted seatrout on the waters of the state included but not limited to a prohibition of the possession during the closed season period on any vessel possessing or fishing any seine, gill net, trammel net or hoop net of spotted seatrout whether taken from within or without Louisiana waters from sunset Friday through Sunset Sunday for every weekend of the open commercial spotted seatrout season. The commercial quota for spotted seatrout shall be one million pounds. The commercial season for spotted seatrout shall be closed on the earlier date or when the staff or the Department of Wildlife and Fisheries predict the one million pound quota will be met each year. (In other words, which ever comes first.) Nothing shall prohibit the possession by commercial fishermen off the water of fish legally taken during any open period or commercial dealers and anyone other than a commercial fishermen licensed to sell, barter or exchange spotted seatrout (no other fish is involve) from possessing spotted seatrout taken legally during any open period provided that those who are required shall maintain appropriate records in accordance with Revised Statute 56:306.4. Pursuant to Revised Statute 56:322 and effective with the seasonal closure or the closure coming after the quota has been reached, or projected to have been reached, the legal commercial mesh size for all gill nets, trammel nets and seine nets used in saltwater areas of the state other than strike nets shall be a minimum of four and one half inches stretched and a person shall have in possession or use aboard a vessel no more than two strike nets. Interested persons may submit written comments on a proposed rule to the following address before November 15, 1991: Acting Secretary, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with Act 157 of the 1991 regular session of the Louisiana legislature, Revised Statute 56:6 (25) (a); 56.325.3; 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission."

Upon conclusion of the reading of the notice of intent Mr. Pol advised that this is only for spotted seatrout.

Chairman Jenkins informed everyone that this was a motion on the notice of intent and asked Mr. Puckett if the motion on the notice can be made prior to the motion on the resolution.

Mr. Foret asked about the four and a half inch stretch and stated that he thought it was three and a half inch before. The bigger the mesh the worst it is going to be. Mr. Pol advised that he would have to direct that to Dr. Clark.

Mr. Puckett advised that the Commission could take action on the notice of intent at this time and added that he has one minor (grammatical) change on the wording of what Mr. Pol had read and that is to move the phrase "possession of spotted seatrout" where it would read "prohibition of the possession of spotted seatrout on any vessels possessing or fishing any seine, gill net, trammel net or hoop net...". The same change also concerning the weekend fishery. Mr. Pol advised that he would accept the change.

Mr. McCall seconded Mr. Pol's motion and Chairman Jenkins called for discussion by the Commission. Mr. Foret asked about the four and a half inch mesh. Mr. Pol asked Dr. Clark to clear this up. Dr. Clark stated that this is not a change from the current statute. When the quota has been reached currently the words that were just read come into play by statute and there is not a change. All it is saying is when the season closes that the mesh size will change to that size and that is currently in statute. Mr. Foret stated that he understood.

Chairman Jenkins called for further discussion. A gentleman from the audience asked if the weekend things was strictly involved with trout or was that all fish. Mr. Pol advised that he emphasized everytime spotted seatrout.

Mr. Harry Brown, Cameron, addressed the Commission. Asked if the motion that Mr. Pol was making included Cameron Parish. Mr. Pol advised it included the State of Louisiana.

Chairman Jenkins called for a vote on the motion of the notice of intent. The motion passed unanimously.

Mr. Pol advised that there is also a resolution that the committee is referring to the Commission, as a whole, which deals with the spotted seatrout management. Mr. Pol read the following proposed resolution as a motion.

WHEREAS, the Commission shall have sole authority to establish definite management programs and policies, and

WHEREAS, Act 157 of the 1991 Regular Session of the Louisiana Legislature revised R.S. 56:625 (a) such that the Louisiana Wildlife and Fisheries Commission is authorized to manage spotted seatrout, and

WHEREAS, R.S. 56:625 (a) requires that any rule or regulation shall have as its objective the sound conservation, preservation, replenishment and management of that species for maximum continuing social and economic benefit to the state without overfishing that causes short-term, or long-term biological damage to any species, and regarding all species of fish, without overfishing that leads to such damage, and

WHEREAS, Act 708 of the 1991 Regular Session of the Louisiana Legislature includes among other requirements that conservation and management measures shall prevent overfishing while achieving on a continuing basis the optimum yield while maintaining healthy, plentiful stocks, and

WHEREAS, the Commission has the Marine Finfish Committee that has met twice in public session to review the discussion the available biological and technical data including information from the department's final draft of "A Fishery Management Plan for Louisiana Spotted Seatrout" and information from computer models created from the analysis and data contained in the plan and has recommended changes to the management of spotted seatrout in Louisiana based upon those deliberations and associated findings namely:

A) The historical commercial fishery is a fall and winter fishery, and the historical recreational fishery is a spring and summer fishery, and mostly on weekends; and

B) The one million pound commercial quota based on reported historical landings for the previous ten years that were set by legislative mandate in 1987 was increased by two hundred and fifty thousand pounds one year later with little apparent consideration of biological and technical data for spotted seatrout; and

C) Reducing the harvest of spotted seatrout would provide a biologically beneficial increase in the spawning stock relative to the size of the reduction; and

D) A reduction in the commercial harvest of spotted seatrout would potentially and indirectly increase the

recreational harvest, a shift that is likely to benefit the state economically; and

E) There is a continued problem in verifying the true extent of commercial landings; and

F) It is technically easier to provide law enforcement during a closed season; and

G) There are continuing and potentially dangerous conflicts occurring on the water between commercial and recreational fishermen that can best be reduced by separating them in time and space.

THEREFORE BE IT RESOLVED, the Commission directs the Secretary to form a Saltwater Finfish Task Force. This task force sole duty will be the enforcement surveillance, routing, checking of the law. This task force shall be formed immediately out of the present graduating class. It shall be composed of a minimum of four people who shall be provided with the necessary tools and equipment to do their job. These men shall not be used for any other reason other than the above. There shall be special phone number set up for the purpose of receiving and documenting complaints or violation. The Secretary shall give Chairman Jenkins a report on the formation of the task force within two weeks of this meeting. (See amendment to resolution on page 16.)

Chairman Jenkins asked Mr. Pol if he was going to include in the same resolution, the items covered in the notice of intent with the seasons, limits, poundages. This would need to be covered at the same time in the same resolution. Mr. Pol advised yes. Chairman Jenkins advised that it is understood that this is included in the motion with the additional provision about the enforcement section and called for a second to Mr. Pol's motion.

Mr. Pol advised that he wanted to clear up one item for everybody in the audience. The reason for this task force is the same reason that the Oyster Task Force was created. This task force is not made to just hurt the commercial fishermen, there have been many complaints that recreational fishermen were selling their catch. This task force will be for the sole purpose of enforcing the laws as written for spotted seatrout.

Mr. McCall seconded Mr. Pol motion. Chairman Jenkins called for discussion by Commission members. Captain Vujnovich asked if the task force saw someone violating a law that was not connected with spotted seatrout would they take action. It was advised that they would. Chairman Jenkins asked Mr. Puckett, Legal Counsel, if he was satisfied with the way this was handled as far as the procedure was concerned including the notice of intent and resolution. Mr.

Puckett advised that as far as the issue effectuating the notice of intent he would recommend that the resolution includes some language authorizing and delegating to the Secretary the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate the previous approved notice of intent and the final rule, including but not limited to the following of the fiscal and economic impact statements and the filing of the notice of intent and preparation of reports and correspondence to other agencies of government. Chairman Jenkins asked Mr. Pol if he would accept the addition to his motion. Mr. Pol advised he would. Chairman Jenkins asked Mr. McCall if he would accept the addition. Mr. McCall advised that he would.

Acting Secretary McInnis advised that in reviewing the language contained in the resolution it appears that the language that directs the Secretary to create and gives the instructions about how the strike force is to be created is in conflict with the existing statutory language contained in Title 56 and Title 36. While it is readily recognized the importance that the Commission has brought to mind and to everyone's attention of the regulatory authority that there is concern and the reporting of people catching small fish, too many fish, etc., Acting Secretary McInnis advised that he respectively disagrees with the Commission's method. It is the responsibility of the Secretary of the department to create and utilize any such task force and also the purview of the Secretary to assign personnel throughout the state. Acting Secretary McInnis pointed out that he has already met with the Enforcement Division and it is felt like they have a recommendation and a method to utilize the department in an appropriate manner that would solve this problem without the creation of a special task force.

Mr. Pol advised that he thinks it is the responsibility of the Commission to direct the Secretary on some things and this is why the Commission is here. If the Commission does not have the authority to direct the Secretary to do certain things then there is no reason for the Commission. Mr. Pol advised that he thinks if regulations are not put on this enforcement they will not have anything. Acting Secretary McInnis stated that he does not disagree with the intent or purpose of this but disagrees with the method being used for this. The staff has given a great deal of time and thought in resolving this problem and working towards a resolution and feels that it is their responsibility to ascertain the use of personnel within the department and respect that the Commission has given them a direction which they will follow and will do it in the manner that they feel is the best way to utilize personnel and solve the problem.

Mr. Pol informed Chairman Jenkins that he calls for the question, vote on motion. Chairman Jenkins called for the vote on Mr. Pol's motion. The motion passed unanimously.

At the end of the meeting Mr. Pol proposed to amend the prior resolution on the spotted seatrout task force. Chairman Jenkins asked Legal Counsel, Mr. Puckett if the Commission could waive the rules on this. Mr. Puckett advised that it is already an agenda item and can be brought up again.

Mr. Pol advised that after consulting with the Enforcement Division, Acting Secretary McInnis and several others he would like to amend the resolution that he presented this morning and made a motion that the changes be as follows: Where the resolution ends on "G) there are continuing and potentially dangerous conflicts occurring on the water between commercial and recreational fishermen that can be reduced by separating them in time and space." that the rest of the resolution following this be struck out and insert the following:

"THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby give notice of intent to adopt rules and regulations to alter the management of the state's spotted seatrout fishery through altering the commercial quota, establishing a commercial season and setting times for commercial fishing, and

BE IT FURTHER RESOLVED, that in order to increase compliance with all state laws by both recreational and commercial spotted seatrout fishermen the Secretary of the Louisiana Department of Wildlife and Fisheries is directed to develop a plan for the enforcement of such laws and to make implementation of this plan a priority with the department and to report back to this Commission with said plan at the October Commission meeting.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent, and the final rule including but not limited to the filing of the fiscal and economic impact statement, the filing of the notice of intent, and the preparation of reports and correspondence to other agencies of government."

Chairman Jenkins advised that if he understand this correctly Mr. Pol has basically addressed the part about the task force. Mr. Pol stated "yes" this deletes all of that and leaves it up to the Secretary through the Enforcement Division.

Dr. Jerry Clark requested from Mr. Pol, to make sure that the department has a permanent and complete record of the motions made this morning, to insert his documents into the records, all the documents Mr. Pol read from today. Mr. Pol advised he would.

Chairman Jenkins called for a second on Mr. Pol's motion. Mr. Schneider seconded the motion. Chairman Jenkins called for discussion. There being none he called for the vote on the motion. The motion passed unanimously.

Chairman Jenkins called for a recess for lunch and advised that the meeting will reconvene at 1:30 p.m., September 5, 1991.

Chairman Jenkins reconvened the September 5th Commission meeting at 1:30 p.m. and went to Item #12.

A report on the Fish Kills was given by Mr. Gary Tilyou. Mr. Tilyou reported that he has the pleasure of serving on the Department of Agriculture Fish Kill panel. The information being presented today is not concerning every fish kill in the state but rather what the panel has looked at. This panel was formed after a series of fish kills this summer. Preliminary investigations indicated that there were some pesticides present in the water. The first meeting of the panel was July 25, 1991, and there have been three other meetings since that time. Other members on the panel include the U.S. Fish and Wildlife Service, Cooperative Extension Service, Soil Conservation Service, Department of Public Health and the Department of Environmental Health Services. Four objectives were decided on at the first meeting. The first objective was to collect and assess all possible data on the fish kills and on information concerning oxygen and azinphos methyl. The second objective was to evaluate the response procedures of the departments that were handling fish kills. The third objective was to identify the causes of the fish kills if possible. The fourth objective was to provide recommendations concerning protocol, use of the herbicide, etc. Mr. Tilyou pointed out that the packages that he gave to the Commissioners shows a map with the locations of the fish kills. The numbers on the map correspond with the numbers in the table in the package. Most of the fish kills that the panel looked at were located in the southern part of the state. There was a large concentration around Iberia Parish. The second page gave some general information on the toxicity of azinphos methyl to aquatic organisms and Mr. Tilyou went on to explain exactly what it meant. Black crappie are very susceptible to the chemical and will die at three parts per billion whereas a species of catfish will take over three thousands parts per billion. This was used as one of the criteria in trying to determine the cause of the fish kills. At one time catfish farmers and aquaculture people in Alabama were considering using this chemical to remove trash fish from their catfish ponds. Mr. Tilyou stated that fish exposed to this chemical will swim erratically, often in circles, and there will be an extreme forward position of the pectoral fin. This was another criteria used in trying to determine the cause of the fish kills. The last group of pages in the package is a table and is the incident by incident results pointed out Mr. Tilyou. This gives the water body, the date

12-3-91

SPOTTED SEATROUT

MARINE FINFISH COMMITTEE PUBLIC HEARING

November 25, 1991

NAME	FOR	AGAINST
Rep. Ken Odinet		X
Rep. Frank Patti		X
John C. Hancock	X	
Henry Truelove		X
Donald Lirette		X
Jane Black Organization of La. Fishermen		X
Ted Loupe		X
Karl Turner La. Seafood Promotion		X
Sherri McConnell		X
Hugh Cowan	X	
Tom Boone	X	
Peter Gericca		X
Mark Hilzim	X	
Richard Brauns	X	

Taped Comments from the Public Hearing
held on proposed Spotted Seatrout Measures
November 25, 1991

Mr. James Jenkins, Jr. called the meeting to order. If there is anyone who would like to speak who hasn't already filled in a card, would you please do so and bring it up so we can allot the time appropriately. Today's meeting is a public hearing as provided for in the Administrative Procedures Act. Louisiana Wildlife and Fisheries Commission Marine Finfish Committee is conducting the hearing. The topic of today's hearing is a notification of intent of the Louisiana Wildlife and Fisheries Commission has filed relative to the management of spotted seatrout. Just so everybody will know exactly what we are talking about, it's going to take a couple of minutes but I am going to go ahead and read the whole Notice of Intent.

Notice of Intent read by Chairman Jenkins.

Anyway, that was the Notice of Intent as it was voted on and passed. The purpose of this hearing is to provide all interested persons an opportunity to submit data, views or arguments, orally or in writing. These proceedings will be recorded and therefore anyone wishing to provide oral testimony will be asked to come forward and speak into the microphone. Written comments may be submitted and those will be taken and logged in by the secretary seated to my left. As there are a number of people who wish to speak each person will be allowed 5 minutes based on the number of people that we have who have shown interest in speaking to present their testimony. When one minute is left each speaker will be notified. Although we must set time limits on the oral testimony anybody can submit written materials of any length. As I have stated earlier, this is a public hearing. The purpose is for the committee to receive oral or written comments on proposed management measures of spotted seatrout. All other issues will be out of order. This is not a debate, however, members of the committee may ask questions. Otherwise, each speaker is limited to presenting oral or written testimony. Anyone wishing to speak should have filled out a card as they have entered today. Anyone who wishes speak but has not filled out a card, may do so now. And if there is any large group of them, we will recess to do it, but I think we have them all. Anyway, if you have any, if you would get them up in the next 10 minutes we can get you on the roster. We have several people here interested in speaking today and if you have any written comments, if you would just bring them and give them to Cathy, here at my left, we will be glad to accept them. The first speaker is Rep. Ken Odinet from Dist. 103. I think he is on the Natural Resources Committee.

Rep. Ken Odinet:

Good morning gentlemen. Good morning ladies and gentlemen. I would like to thank the Commission for giving me this opportunity to speak. I am just merely here to state that I am in opposition to the change in the rules. The people in my district are at a loss as far as economics go right now. They can't fish other fish and we see no reason why there should be a change in the quotas or a limiting for a man making a living five days a week. We feel it is not just, and it is uncalled for at this time. I would just like to state my position as being in opposition to your proposal.

Rep. Frank Patti:

I didn't think I would be called on so fast. I came in late so I could listen to some of the arguments, but, of course, I guess you wanted to hear from me first. I heard Mr. Odinet express his objections to what you are attempting to do here today and I am here for that same purpose. I can not figure out, and I respect the Commission for doing what you are attempting to do, but I can not figure out why you are attempting to do that now when we passed legislation last year, and I see members of the GCCA here who fought for the game fish of the redfish and were successful, pass certain pieces of legislation which ask for certain reports periodically to the legislature and low and behold before the ink dried on those two pieces of legislation, we see here today an attempt to have

some rule changes affecting the speckled trout. I went back when I received you notice and tried to read up on some of the minutes, called our Natural Resources Department, and I read where Dr. Clark, for example, made the statement that as far as the speckled trout were concerned he didn't see any reason for any changes. There were enough specks there to take care of both user groups. Timex Picayune for example, Marhsall, who is the spokesman for the recreational people, also made the statement that he sees no need now to change the speckled trout situation. I see no need now to change the speckled trout situation at least until we can have a scientific and biological study made by those people who are supposed to be working for us in collecting that data. We have not received any reports yet and I don't know that the Commission has. I respect that, but I don't know that they have. Kell, you perhaps can answer to that? We have not received anything. The bills were signed somewhere in July, I believe. This rule change had to begin sometime in September for it officially take over in October. So, really we haven't had much of a change in anything except a rule change to affect speckled trouts as they apply to the commercial fishermen. During these times when we have a depressed economy, and the commercial fishermen really are struggling, I beg to ask this Commission and the Department to see whether or not we can at least slow this thing down and if the biological data, scientific data, all those studies and agencies that we rely so much on to make our decisions; if it shows that, then just like the red fish became a game fish, I am sure that the same thing can affect the speckled trout whether it be a reduction from a million and a quarter to a million and the weekends as you propose to do here today. I don't know why we are moving so fast and that's what bothers me. The notice that I received from you, Kell, was dated November 11, for this hearing today. There is no way humanly possibly that we could get anyone to come up here over the weekend. I spoke with Mr. Odinet and he expressed the same concerns. I knew about what you were attempting to do because I had spoken to Kell about it, but why do we have to do this now is the question that I just don't know why. Now I know that we have the Oversight hearings. Let me tell you this, you better believe that that room is going to be stacked up because everybody is going to know about the Oversight hearing and they will all come to express themselves. At least we'll have another chance to sit down together with the Commission, with all of us together, and see if we can't reach a reasonable solution to this problem. But for us, to abruptly slap at the commercial people to say no more weekends, your reducing from a million to a million and a quarter, your redoing parts of the season dates, and all that, I am sure it affects them. It bothers me, really. I respectfully say that to you, Mr. Chairman, all members of the Commission. It bothers me somewhat to have to go back home and say, look, game fish affected the reddish, we have certain restrictions on the shrimp, the oyster people are suffering and now we are going to tighten the reins on you with regards to speckled trout. As I drove up to Baton Rouge this morning, I said gee whiz, I don't know how we can change this because you already advertised it and so forth. The only way we can change it, unless in the wisdom of the Commission, is to have some rethoughts about it, would be to reject it at the Oversight Committee or get the Governor to join with us on this because that's the last thing we have to do. The only thing left other than that, Mr. Odinet and other members of the legislature, is for us to come up with some legislation to try to undo what you may do successful in doing now and I hope not. I hope we do not have to get into that again. In closing, let me say I hope that during the years that I have been in the legislature, I've been on the Natural Resources Committee for 20 some years, I've seen us close the gap between the recreational people and the commercial people. Really, we sit down together now. I've seen them.. They smile at each other, they talk with each other, they try to work out their differences. Several years ago you had to put them in separate rooms to even attempt to talk about a problem and an issue. We've come a long ways. Let's not undo what we've come so far in attempting to do. With that Mr. Chairman and members of the Committee I ask that you respectfully reconsider what you are attempting to do now and see if we can't move forward in a more reasonable manner. Thank you very much.

John Hancock:

I am representing a local marine dealer. I've been involved in probably the process of preserving reddish, speckled trout, whatever, having enough fish for

all segments of the population of Louisiana for a few years and I would like to say that I believe that the recent moves to allow the Wildlife and Fisheries Commission and the biologists of Finfish Division to do their job of setting limits, quotas, whatever it takes to preserve the fish stocks for both of us, all of us involved, I think that that is the correct move. I think its the move that should have been made and should have been made long ago and I am commending everyone for the effort to work together for it. A large segment of the marine dealers business is in boats, motors, trailers to commercial and recreational people. If you had to break down a segment of it, by far the larger majority of our business is in the recreational segment and we are not in the best of times as far as the economy for the marine dealers. We represent a fairly large volume dollar business in the state and we need to have fish available for the larger segment of our industry which is the recreational part of it so that we can try to get back on our feet and to have a good sustained living from the marine business off the recreational end of it. Thank you.

Henry Truelove:

Gentlemen, I would like to thank you for this opportunity to speak. As a member of the once considered Marine Finfish Panel, I am disappointed at not having the opportunity to review or consider the information on speckled trout. I am now both orally and in writing, asking for the scientific and technical data on which these management measures are based. I also need the help of this Committee to help define the status of our Marine Finfish Panel. Either help us make it work as it did with black drum, or disband it and put it out of its misery. Thank you gentlemen.

Donald Lirette:

Thank you Mr. Chairman, members of the Committee for the opportunity to address you on the finfish matter at hand this morning. I will try to brief. I am president of Terrebonne Fisherman's Organization. I represent commercial fishermen of Terrebonne Parish. I am also a member of several federal committees who are looking at the management of fish throughout the Gulf of Mexico. In some recent meetings of the Louisiana Shrimp Task Force here, we keep coming across one problem that the State of Louisiana has that not very many people want to address and I am going to echo some of the things that I have said over the years. Number one problem in the State of Louisiana with fish, and with all our resources, is enforcement. Nobody in this room can deny that. The number two problem we have in Louisiana is that we have no shortage of the resources. We've just got an over abundance of people after them. A couple of weeks ago I was fishing spotted seatrout and red drum at the pontoon bridge, Houma navigation canal. I needed two red fish to eat for lunch. That's all I caught. But I estimated over 1,100 reddish and over 1,000 spotted seatrout were caught at that pontoon bridge that morning and not an agent around. Enforcement is a big, big problem. I want to propose today one other matter that needs to be looked at very, very seriously by the Commission. Yesterday's Houma Courier had an article in it about the changing times in the Louisiana fisheries. I made a copy of it available to the Department today. One of the proposals in there that the industry recognizes that's needed is limiting the number of commercial fishermen. But we see no trend from the recreational fishermen who put more pressure on the resources than the commercial fishermen at limiting their numbers. That needs to happen. Recreational fishermen can do more damage with a hook and line than we can with a net, because we are limited by quotas. They are only limited by a creel. We don't have enough Enforcement Agents to check them every time they go out, and check everybody that goes out. We are easy to find. Recreational fishermen are all over the place. Terrebonne Parish we don't see very many of them getting checked by agents. We feel that we are being targeted. Another thing that needs to take place in the State of Louisiana to protect the resources is to limit or abolish rodeos. Rodeos put an undo pressure on fish stocks and is done in the name of recreation and not human consumption. I've seen a lot of bull reds shot in the head. I've seen a lot of speckled trout died after being caught and touched by human hands. It's a waste of the resources. Every Wednesday you can go to Houma and see 300 bass thrown back into the bayou after a fishing rodeo. Every Wednesday afternoon, thrown in Houma Canal. This is a waste of the resources that should be stopped. Commercial fishermen shouldn't

be singled out to bear the brunt of reducing the take of a resource. It should be even and across the board. If you are going to take 250,000 pounds away from the commercial fishermen, let's eliminate 250,000 from the recreational fishermen. I also want to proposed in lieu of these regulations, if we are going to try to limit the amount of time that the commercial fishermen can be out there, let's set a season on speckled trout for recreational fishermen. If we are going to lower the commercial quota, let's lower the creel limit. Let's be fair about. I thank you for the opportunity.

Jane Black:

Thank you Mr. Chairman and Committee members. I am Jane Black and spokesperson for the Organization of Louisiana Fishermen. I would like to echo Rep. Patti's statement or rather question, what's the hurry? I really don't understand what the hurry is. Another question that I would like to raise is in the resolution that was preambled to this letter of intent. On the second page under G, reading there are continuing and potentially dangerous conflicts occurring on the water between commercial and recreational fishermen that can best be reduced by separating them in time and space. There is no documentation presented supporting this statement. Under F, it says its technically easier to provide law enforcement during a closed season and also under E, there is a continued problem in verifying the true extent of commercial landings. Commercial trout fishermen are not required to report their landings. Those landings are required by dealers only, at this time. Also, in reference to the laws that were passed during 1991 session, Act 157, Section 6, says the management of the species shall be for the maximum continuing social and economic benefit to the state. There are no references in the letter of intent, in the Public Register, that any social examination on the impact to the individuals or communities has been done and when you speak to the benefit of the state, this does not exclude commercial fishermen. Act 708, passed also this past year's legislative session, reads to assure Louisiana benefits from the employment, food supply, recreation, and social and economic benefits. Again, these have not been considered under your Fiscal and Economic Statement. Again, in your Fiscal and Economic Statement under Section 3, Estimated Cost and/or Economic Benefits, the last sentence reads due to the reduction in spotted seatrout quota by 250,000 pounds there will be a reduction in income at dock side to commercial fishermen in the neighborhood of \$250,000. Again in Section 3 it says, some unemployment in the commercial fishing sector and other commercial fishing or other sources of employment will happen if they are not found. Let me correct that. Some unemployment in the commercial fishing sector, if other commercial fishing or other sources of employment are not found to replace the lost activity. A certain section of our fishery is not represented in these two statements. With the law that you are proposing you are forcing the commercial fishermen to harvest the trout during the time of the year that they are worth the least amount of money. You are deliberately, through this ruling, forcing them to sell a fish at less than half of its average value at other time of the year. My question is, why? What is the intent? And why isn't this in the Fiscal Impact Statement. And why doesn't the Fiscal Impact Statement also say that if these fishermen do not have their base of trout will they have a base income from a days fishing trip to even go fishing for drum or sheephead or other species. The trout is the base fishery that this fishermen has now. We have seen this in our Gulf fisheries. Whereas, when the fishermen can no longer harvest the American red snapper he cannot get a base income to pay the fuel and food expense and the engine wear and tear and the gear loss. He cannot go fishing for beeliners in Vermilion because he can no longer afford it. His bottom line is gone. In the letter of October 2nd to Mr. Jimmy Jenkins, Chairman, sections A, B, C, D, E, F, and I were never completely answered. Those questions were also asked at the Commission hearing. In the letter October 2nd written to Mr. Kell McInnis, Secretary of the Department, first page, section A, B, C, D, and F, were never fully answered. My question is does the Commission feel that they don't have to answer to these Louisiana people? Thank you.

Bob Searce:

Thank you very much for the opportunity to speak. I only registered at the door. I have no intention of speaking. My comments will be read in my column, Set the

Hook Hard, Sunday Morning Advocate. Thank you.

Ted Loupe:

Mr. Chairman, ladies and gentlemen. I really don't know where to begin. All of this has gotten so far out of hand. Let me try to point out how out of hand this has gotten. In an article in the Morning Advocate, September 19th, by Ms. Tommie Simmons, some things come out that really bother me. None of this is biologically motivated. None of it is scientific. Let's try and be honest with everyone. It's all political, right down to the core. Let me read you some excerpts from this article. In reducing catch, the Commission tracks the Gulf of Mexico Fishery Management Council trying to manage finfish according to 20% spawning stock biomass per recruit refers to the ability of species to reproduce and maintain itself. That's a definition of SSBR. Gulf Council was wrong on the red grouper. It estimated spawning stock biomass was at 20%. Mr. Jenkins, you know I'm telling the truth. It came in at 46%, which is much greater than they had ever anticipated. They have been wrong on the red snapper, they have been wrong on the king mackerel and God knows they are going to be wrong; whoever it is that has turned this in is going to be wrong on the speckled trout. Because of the freeze three years ago, people are over-reacting. Three years ago you had many adult fish that were killed. There is no way on God's earth your spawning stock biomass can be what you want it to be right now. The juveniles off of that freeze will not adults before this coming year and the following year which is going to bring your spawning stock biomass up to where you want it. And the reason you'll be moving so quickly on this is to get it done so you can have it. There is no biological reason behind it. Let me go on a little further. According to computer models reducing the commercial catch to 1 million pounds increases the speckled trout spawning stock by 1.6 percent. This would increase the SSBR by 16.52%. The move also increases the success rate of catching fish up to 25 fish limit for recreational fishermen. Once again, artificial intelligence coming out of a computer, what man puts into it is comes out. Which will prove to be wrong once the juveniles have matured in another year or so off of the freeze of three years ago. Then they go on in the article to talk about how no one was invited in the commercial sector. Which stands to reason, you'll don't want any opposition to this. So you'll can get it done. None of the data is presented because nobody wants to hear the truth about the juveniles from the freeze becoming spawners in the next year or so. Then they go on here...spokesman from Marine Trades Association stated that fishing recreational is not a poor mans sport. That is probably the truest words that have ever been spoken, gentlemen. Only the rich can afford to eat fish in the state anymore. You won't allow commercial people to catch it, so that the poor can have it on the market place. Yeah, I know. We have one minute, you'll have a lifetime. Right here they want to move the commercial industry to rod and reel. Someone got up and said at one of the meetings: The reason they don't want to do this is because it would be too hard to enforce the laws with everyone fishing rod and reel. Our enforcement in this state can't enforce the laws we have now and we don't have a rod and reel industry. Last week, there was a person that come in from offshore that had 3 ice chests of filet red snapper wanting to find a place to sell them. Off of a supply boat. It is happening now when we don't have a rod and reel industry. There is no way it can be enforced. You can't stop it now. This is all political. None of it is biological and I'm damn tired of it. I wish the GCCA and other people would come out and just tell the people in this state we want it for ourselves. We don't want to share it with anyone. That's the bottom line, ladies and gentlemen. They are hiding behind the word conservation. I've been on both sides of the fence. Lionel Darling, you know this. Your right, we used to sell boat and motors to people, and we need the red fish just like you do. The one thing everyone is forgetting to tell people is that 50% of the boats and motors sold in the State of Louisiana are freshwater rigs. You know I am telling the truth. This is all political, not biological, not scientific. I just wish it would come to an end. I've got more but I'm going to go ahead and stop.

Karl Turner:

Thank you Mr. Chairman and other members of the Committee. Just in the way of introduction, my name is Karl Turner, Executive Director of the Seafood Promotion

and Marketing Board. The Seafood Board has looked at this issue over the past two months and formed a committee which has developed a position statement. The members of the committee were unable to attend today's meeting due to the late notification and asked me to come and give this prepared statement representing the Seafood Promotion and Marketing Board on this particular subject. Thus I read,

"This letter is sent to reflect the position of the Seafood Promotion and Marketing Board relative to the proposed changes in the commercial harvest of spotted seatrout and other matters related thereto.

Our opposition to these proposed changes are based on biological, sociological and economic principles.

First, our specific objections will be based on the summary page of the economic and fiscal impact statement which accompanied the Notice of Intent.

Section II entitled, Estimated Effect on Revenue Collections of State or Local Government Units, states the following, "This proposed rule will likely yield an enhanced expectation of successful fishery efforts thereby potentially increasing the frequency of recreational fishing efforts. Since direct expenditures by recreational fishermen are relatively large there likely will be positive economic impacts to coastal areas by increasing sales tax revenues. In all likelihood, however, these changes are likely to be marginal at all levels."

In the statement above the words "large" and "marginal" at all levels are contradictory. On a multi-million pound annual sport catch, the addition of plus/minus 250,000 pounds for sport access will have no effect on effort and expenditures. Also, from a statewide perspective, there will be no positive impacts since the sales tax revenues are simply transfers from one area to another.

Section III of the summary page entitled, Estimated Cost and/or Economic Benefits to Directly Affected Persons or Non-Government Groups, states that, "Benefits are expected to accrue to recreational fishermen anticipating enhanced fishery experiences and the industry that supports recreational activities..."

This is a hollow and unsubstantiated claim since there will be no benefits to anglers due to the 250,000 annual pounds they would catch because no relationship on available fish and trips was demonstrated in the document.

Section IV entitled, Estimated Effect on Competition and Employment, states the following, "The proposed rule may result in increased employment in the recreational fishery industry, for instance guide services, food, lodging, boat launches, etc. and may result in some unemployment in the commercial fishing sector if other commercial fishing or other sources of employment are not found to replace the lost activity."

An employment multiplier would have to be cited for there to be employment resulting from the 250,000 pounds. Also, none was cited. Also, this is stimulated by expenditures simply occurs as a result of expenditures transferred from alternative purchases. Thus, employment must decrease in other sectors. This is the classic zero sum game!

Part III states, "The people of Louisiana will likely benefit because the proposed reduction in the commercial harvest will provide a biological benefit increase in the species, 2) a potential increase in recreational activity that will be economically beneficial to the state.

This section goes on to say, total number of recreational participants may be increased as much as 50%.

In response to this section, it is not possible to have the 250,000 pounds contribute to both stock reproductive ability or SSRB and to increased

recreational activity. In other words, if recreational fishing effort is increased, then by definition, greater pressure is placed on the stock.

The relevant question is how can a 250,000 pound amount contribute to stock enhancement with the least negative economic impact. There would be less negative impact from taking 250,000 pounds from the multi-million pound sport fishery where there is little proven relationship between trip catch and expenditures than taking from the commercial industry which functions on a much smaller share. Another alternative, assuming the primary goal is conservation of resources and not simply to further curtail consumer and commercial access to yet another of the state's renewable natural resources, would be to increase the recreational size of speckled trout from 12 to 14 inches. In any event, the current proposal does not in any way conserve resources. (30 second warning) Rather it simply shifts the 250,000 pounds away from the commercial quota into the recreational quota."

There are other points I would like to point out that come from the Notice of Intent itself, but I will skip now just to some last statements that are based on testimony at the Senate and House Natural Resource Committees.

In a statement, in a question by the late Senator Chabert to Dr. Clark, Dr. Clark stated the following. "According to our estimation we feel that the current harvest levels of speckled trout does not endanger the status of that stock in any way."

Another questions by Chabert, "What you are saying is that we leave it status quo, as it is now. You feel we will not hurt the industry and the stocks will pick up and be better this year than last year as far as the trout are concerned..." "Yes".

"What is the status of the trout?, asked Senator Kelly. "The bottom line on the stock of the spotted seatrout is that we have looked at the history of the harvest and the history of the stock over the past ten years and it is our conclusion that the harvest rates over the past ten years have not depleted the stock and the current harvest rates, in total, are safe."

There are other comments, but I will stop here, finally saying we oppose this proposal. Thank you very much.

Sam Slavich letter addressed to Jimmy Jenkins made part of this hearing.

Sheri McConnell:

Thank you, Mr. Chairman. My name is Sheri McConnell. I represent the Louisiana Restaurant Association. We're here in opposition of this intent to what we consider to deprive certain consumer user groups their right to a resource that we feel is naturally theirs. I was, of course, part of what happened during the legislature, and my understanding of the policies and standards is a directive to you to, in fact, consider all user groups. Our concern is, of course, is that they are not. Restaurants representing over three thousand members, in our mind we represent consumers, and if it wasn't for those consumers and their desire to eat speckled trout we wouldn't be here today. So, in our mind, we represent the consumers of the State of Louisiana. In fact, they were very much a part of the consideration of the policies and standards that were past last regular session. Those standards require you to consider all those user groups, and, of course, we consider consumers very much a big part of those user groups. I would like to reiterate Karl Turner's comments in some of the testimony of the legislative session or in those Natural Resources Committees. Your own Jerry Clark, in fact, testified that there was not need, based on scientific and biological data, to reduce the quota of speckled trout. The commercial quota of speckled trout. Your directive is, in fact, not to change those things unless you have the biological and scientific data to support that change. So I question where that biological and scientific data is coming for you to, in fact, file this Notice of Intent. I wonder, too, are we suffering, are the commercial fishermen and therefore the restaurant and consumers, suffering as a result of poor

enforcement. I know a gentlemen mentioned that earlier. My concern is if there is poor enforcement, and I know that there are some people out there that believe that, in fact, the quota is not only reached but surpassed year after year, because of poor enforcement and poor regulation. We are unable, in fact, to determine that, so therefore we are going to reduce the quota and hopefully, proportionately, it will, in fact, reduce the quota that is surpassed. Are the commercial fishermen, and therefore the consumers and restaurants, the ones to suffer that. If there is poor enforcement in that area shouldn't we consider there is poor enforcement in the recreational area as well and I would like for you to consider those things. I think that it is necessary for you to consider that we all have a right to this resource. Speckled trout is a very big part of the restaurant menu. A very big part of the tourism industry, believe it or not. In New Orleans, that is a major menu item. A major menu item. Our tourists that come to New Orleans specifically seek that menu item and tourism certainly is a major part of this economy. So we talk about economic impact, we are talking about a great more than just fishing. There is one other comment I would like to make and that really has nothing to do with the quota. I noticed in the Notice of Intent that you suggested a closed season from April 1 until September 14, and yet at the same time during the time that you do allow commercial harvest and fishing you say that they can't fish on the weekends. It seems like a double whammy to me and that's an issue that I think commercial fishermen might want to bring up. I am concerned that not only are you saying you can't fish during these months, but in the months that we say that you can fish, which Jane Black mentioned the price of the fish is reduced, you are also saying you can't fish on the weekends too. I think that maybe that ought to be rethought. Certainly, we understand the need for management of the resource and we, in fact, recognize that need because tourism is a big part of the fishing industry too and we certainly support that. But, our concerns are that you are hitting one user group and not considering another and we want you to consider that we all deserve our fair share. Thank you.

Hugh Cowan:

Good morning gentlemen of the commission. My name is Hugh Cowan. I am a sport fishermen from Jefferson Parish. I am really up here to voice my support of your recommendation of the control of the speckled trout. Although I agree with Mr. Patti and some of the other people here who spoke regarding biological and scientific studies governing what we do regarding the species, I want to recommend you all and everyone here that in the middle and late 80's after a few years of scientific and biological studies regarding the red drum, it drug on for a period of time when the red drum got in trouble in federal waters and on inside waters. The whole time these studies were going on. I think the theory of making studies prior to taking control is a little risky. I think attempts should be made to insert controls during the period of studies. Let's turn it around the other way. Don't wait until the barn yard door is open and everything is out before we try to close it. I think these regulations should be put into effect and at the same time biological and scientific studies going on. If the studies prove that this particular control is not necessary, it can be adjusted accordingly. Once again, I am in support of this recommendation. Thank you gentlemen.

Tom Boone:

Thank you, Mr. Chairman, and member of the Commission. I am here today to speak in support of the plans of the Committee to control and manage the resource. My comments, though, are not based on any economic factors. Its based on experience. My first trip to Cocodrie was in 1949 as a twelve year old kid and I've fished there for a number of years. In 1977 I moved to north Texas and I didn't have access to the coastal waters. I move back to Louisiana in 1988, about twelve years later. I have two young men in my house, my children. In the 1960's I can recall making fishing tips, which you really had to think after a summer of fishing, you had to think pretty hard to remember when you didn't have a fairly decent trip. I've made probably made 25 fishing trips down there over the last 3 years and I've had 2 trips that I felt were meaningful, and the fish that I catch go in my freezer and on my table. I do think the resource is the property of the entire population. I think that the measures you are taking,

though, are correct in that the bulk of the population will be best served. Thank you.

Peter Gerica:

Well, here we are again, gentlemen. Listening to the same bull. I just heard a guy tell me they didn't have any red fish. That's why they had to close it down. That's why they are jumping into my boat right now. But, we are not talking about red fish, we are talking about trout, which there is an abundance of them too. We also stepping on people's toes by saying that we can't fish on weekends. To deprive me of the right to fish on a weekend because you supposedly have all these sports out there, just leads me to believe that you are going to take Monday, Tuesday and Wednesday away from your next trip. Because whether you realize it or not, there's more people out there on Monday, Tuesday and Wednesday because they don't want to go out on the weekend with all the squirrels neither. I'm talking about the firemen, and the people who fish with a rod and reel for a living in this state that everybody blames the commercial fishermen for the unreported fish which is not being enforced. Half the little small seafood places in New Orleans, I know of, the little stand, buy their fish from a poor guy who belongs to the GCCA who sells his fish off his rod and reel. His wife meets him at the boat launch, takes a box of fish and gives him an empty one so he can get another box. But, there is not fish out there for people to catch. I wish people would go out there and realize what's being caught. I am tired of having to come up here for the people of my organization who are just about ready to go on welfare because of this state not allowing us to fish the resource that's out there and giving it to the wealthy. I mean, this stuff has got to stop somewhere. We come up here, we ask questions, none of the questions are ever answered. I remember the last commission meeting, Harlon Pearce, I did, Barry Sch...., a few other people asked questions, and all you get back, if you do get answers, is half way answering just what you want people to hear. I wish that when you'll would make these decisions you would have people on the panels, too, that know what's going on. You've got better people with the biology department who know what's going on as far as the numbers are concerned and people are out there everyday catching these fish. Watching what's going on. I can tell you what's going on, I can tell you how many fish you are going to have in the next two years. You are going to have more than you have seen the last time after a freeze. Because there is that many fish out there right now. So after you take it all away from us, and we have to go back to the legislative session to fight to get a little piece of the pie back, then people say well, I'm sorry. Well, everybody will be broke by that time. That's all I've got to say.

Clay Peltier, Jr.:

no comment

Mark Hilzim:

Thank you Mr. Chairman, members of the Committee, Mr. McInnis. In 1987 efforts were begun in the Louisiana legislature to provide a comprehensive set of management regulations for speckled trout. These regulations resulted from recommendations made by both the Department and LSU. Measures were adopted to reduce recreational harvest and to hold the commercial harvest to it's 1977-1986 annual average. Since 1987, the regulations have cut the recreational harvest from 12,539,987 pounds in 1987 to 3,226,742 pounds in 1990. This is a decrease of 75%. This also represents a 31% reduction over our 1980-1986 average. In 1987 Louisiana legislature set the annual commercial speckled trout quota at 1 million pounds. It's 1977-1986 average. This quota level represented the recommendation of Department biologists. In 1988 the quota was raised legislatively to compensate for the commercial red drum moratorium. For the years 1987-1990 the commercial trout harvest has averaged 1,496,790 pounds annually. This is 50% over the 1987 recommended level and 20% over the 1988 legislative level. It's clear that the current regulations have had the effect of reducing the recreational harvest. That they have failed to rein in the commercial harvest. In light of the tremendous disparity in both the economics and number participants between the recreational and commercial speckled trout fisheries, it's incredible that we continue to restrict the recreational community and fail to meaningfully control the commercial harvest. While the

GCCA's position that any measure short of game fish may fail to adequately address speckled trout problem, GCCA supports the Commission's proposed new trout regulations. If properly executed, they may help improve the biological status of the stocks, separate the two user groups, reduce the hazards to boaters on weekends, improve enforcement capabilities and still allow the average commercial take. That there are those here today contesting the Commission's proposal to control the commercial harvest to protect this fragile species, it's just another example of the problem encountered in managing a resource while it has a bounty on its head. Thank you very much.

Mr. Jenkins stated that was all the cards we had. If there are any written materials we will take it. I declare the hearing held and the meeting adjourned. Thank you.

12-3-91

SPOTTED SEATROUT

COMMITTEE TO GOVERNOR ROEMER ON PROPOSED ACTION

DATE	NAME	FOR	AGAINST
9/16/91	C.J. Arceneaux	X	
9/15/91	Mary Poe	X	
9/17/91	Richard Bouterie, Jr.	X	
No Date	J. J. Jones	X	
9/17/91	David Waguespack	X	
9/16/91	Warren Baker	X	
9/16/91	Gus Schram	X	
9/18/91	A. H. Rack	X	
9/20/91	E.A. Thistlewaite	X	
No Date	M. L. Vincent	X	
9/9/91	Ben Brupbacher	X	
9/6/91	Atchafalaya Delta GCCA	X	
9/9/91	Gulf Coast Conservation Association	X	
9/10/91	L. Maurice Provosty	X	
9/11/91	Henry Mouton	X	
9/24/91	J.F. Gaar, Jr.	X	
9/12/91	William Shaddock	X	
No Date	Janes Boussard	X	



7914 Wrenwood Boulevard, Suite C • Baton Rouge, Louisiana 70809
(504) 924-3600 • FAX (504) 923-0032

SEP 17 1991

September 16, 1991

Honorable Buddy Roemer, Governor
State of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

Dear Governor Roemer:

Please approve the recent action by the Wildlife and Fisheries Commission to give further protection to speckled trout.

You have protected more natural resources in Louisiana than any previous governor.

Sincerely,

Cornel J. Arceneaux, CLU ChFC

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Route 2 Box 281
Lake Charles, LA 70605
(318) 598-3268



Date

9/15/91

Lawrence Dwyer Brown

P.O. Box 98004

Baton Rouge, La. 70899-9004

Dear Governor Brown,

On September 5th 1991, the Louisiana Wildlife & Fisheries Commission voted unanimously to reduce the commercial speckled trout quota to 1 million pounds and to establish a commercial speckled trout season from September 15th to April 1st. The season will be closed when the quota is met on April 1st arrives whichever is first. Also a ban on all netting for speckled trout on the weekends during the period that there is an open commercial season for speckled trout. This meeting also elected the Secretary of Wildlife and

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Route 2 Box 281
Lake Charles, LA 70605
(318) 598-3268



Date

9/15/91

Page 2

Fisheries to establish a four man enforcement strike force to focus on enforcing both recreational & commercial trout regulations

I am asking that you support the commissions efforts to provide proper management & protection for speckled trout by adopting this ruling of the Commission

Sincerely,

Jeff Poe

SEP 1 1991

BLOCK & BOUTERIE

ATTORNEYS AT LAW

504 WEST SECOND STREET

POST OFFICE BOX 510

THIBODAUX, LOUISIANA 70302-0510

September 17, 1991

HAROLD M. BLOCK

RICHARD J. BOUTERIE, JR.

TELEPHONE 504/447-6767

FAX 504/446-7357

OUR FILE NUMBER

Honorable Buddy Roemer
Governor
State of Louisiana
P.O. Box 94004
Baton Rouge, Louisiana 70804-9004

Dear Governor Roemer:

The purpose of this letter is to urge your approval of the action taken by the Louisiana Wildlife and Fisheries Commission at its meeting of September 5, 1991 regarding the commercial harvest of speckled trout. I feel that the proposed plan is very reasonable as it allows the commercial fisherman a quota based upon their ten year average catch, provides for a season which will limit the amount of damage that can be done due to under-reporting of the catch, and attempts to avoid conflict between the user groups by closing state waters to netting on weekends.

Although I feel very strongly that the resources can only be adequately protected by eliminating all commercial netting of finfish, I am a realist and believe that this plan is a sound step in the right direction.

Thanking you for your consideration, I remain

Yours truly,

BLOCK & BOUTERIE


Richard J. Bouterie, Jr.

RJBjr/ac

"Builder of Homes of Distinction"

J. J. JONES
1145 Sene Drive
Metairie, La. 70005

SEP 19 1921

Dear Governor Rorer,

Please support the action of the
Fish & Wildlife recommendation of
Sept 5, 1921 for further protection
of speckled trout & redfish.

Sincerely
J. J. Jones

WAGUESPACK, SEAGO & CARMICHAEL

(A PROFESSIONAL LAW CORPORATION)
ATTORNEYS AT LAW

8126 ONE CALAIS AVE., SUITE 2-C
BATON ROUGE, LOUISIANA 70809

DAVID A. WAGUESPACK
JOHN E. SEAGO
PETER G. CARMICHAEL

TELEPHONE
AREA CODE 504
766-5805
TELECOPIER
AREA CODE 504
766-5812

SEP 20 1991

September 17, 1991

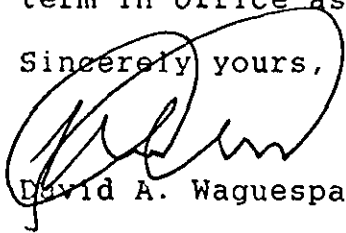
The Honorable Buddy Roemer
Governor of the State of Louisiana
Post Office Box 94004
Baton Rouge, Louisiana 70804-9004

Dear Buddy:

As you know, the Wildlife and Fisheries Commission recently unanimously passed new regulations to protect Louisiana's speckled trout. I would appreciate if you would take all steps necessary to approve the actions of the commission.

My best wishes to you in the upcoming election. I sincerely hope that the voters will see fit not to return some of the legislators who have so adamantly fought the reforms proposed during your first term in office as Governor.

Sincerely yours,


David A. Waguespack

DAW/akm

10

HONORABLE BUDDY ROEMER, GOVERNOR SEPT 16, 1999
STATE OF LOUISIANA
P.O. Box 94004
BATON ROUGE, LA. 70804-9004

DEAR GOVERNOR ROEMER,

I REQUEST THAT YOU APPROVE THE
ACTION BY THE WILDLIFE AND FISHERIES
COMMISSION TO GIVE FURTHER PROTECTION
TO SPECKS.

THANK YOU FOR YOUR COOPERATION

SINCERELY,
Walter H. Baker
325 N ATLANTA ST
METairie, LA 70003

P.S.

PLEASE BE ADVISED THAT YOU AGAIN
HAVE MY VOTE THIS OCTOBER FOR ELECTION
OF GOVERNOR OF LOUISIANA

Gus W. Schram, III

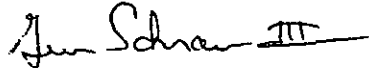
September 16, 1991

The Honorable Buddy Roemer, Governor
State of Louisiana
Post Office Box 94004
Baton Rouge LA 70804-9004

Dear Governor Roemer:

I would like to take this opportunity to ask you to approve the action by the Wildlife and Fisheries Commission to give additional protection to speckled trout, thus allowing preservation of a valuable resource for all our citizens.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gus Schram III", with a horizontal line extending from the end of the signature.

Gus W. Schram, III
211 Shell Beach Drive
Lake Charles LA 70601

A. H. RACK
330 Fairway Drive
New Orleans, Louisiana 70124
504/4864111

Sept. 18, 1991

Governor Buddy Roemer
P.O. Box 94004
Baton Rouge, La. 70804

Dear Governor Roemer:

Thank you for all of your past efforts on behalf of conservation of our fisheries resources.

I urge you to support the W+F Commission's efforts to provide proper management for Spotted Trout in their action of Sept. 5th.

Elizabeth, my spouse, and I are supporting you for Governor,

Best Wishes,
A. H. Rack

Opejousas, La. 20 Sept, 19 91

Name Buddy Roerner

Address P.O. Box 94004

Baton Rouge, La. 70804

IN ACCOUNT WITH

STAR DUSTERS, INC.

BOX 53 — WASHINGTON, LA 70589

PHONE (318) 826-3914

Dear Governor -

I ask that you
please approve The Wildlife
& Fisheries Commission
on the action to further
protection to speckle Trout.

Our sons, daughters &
grandchildren should have a
chance to fish as we did.

Please help

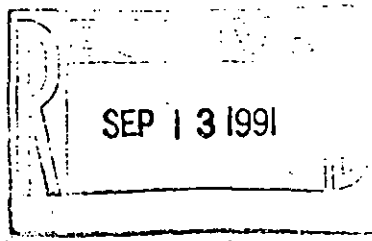
E. A. Thistlethwaite

E. A. Thistlethwaite
P O Box 53
Washington LA
70589





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LIFE COMPANIES



M.L. VINCENT, JR.
General Agent

P.O. Box A
Lake Charles, LA 70602-3701
(318) 436-3303

Buddy

Please support the new
proposed Speckled Trout regulation
adopted by the Wildlife & Fisheries
Commission —

V.V.S.

P.S. Good Luck in the
governors race —

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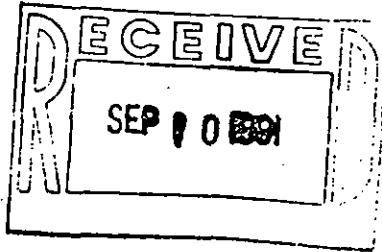
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September 9, 1991

Governor Buddy Roemer
P.O.Box 95004
Baton Rouge, La. 70804-9004

Dear Governor:

As an ardent fisherman for many years, I am asking you to support the LW & F Commission's effort to provide proper management and protection for speckled trout.

We need to protect this resource which is so popular with the residents of this state. This is a step in the right direction.

Thanks again for your consideration.

Sincerely,

Ben Brupbacher
Ben Brupbacher

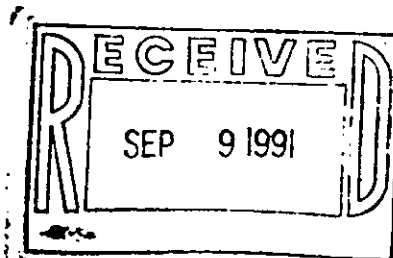
BB:cc

PHONE 504-384-4287
FAX 504-385-2610

24 HOUR SERVICE

THOMPSON MARINE TRANSPORTATION, INC.

P. O. BOX 3468
MORGAN CITY, LOUISIANA 70381



September 6, 1991

GOVERNOR BUDDY ROEMER
P.O. Box 94004
Baton Rouge, La. 70804

Dear Sir:

I wanted to drop you a line to let you know that I am pleased to learn of the WLFC decisions involving the new commercial regulations regarding speckled trout.

I am, and have been an avid fisherman, and hope to continue this with a realistic stock for the future.

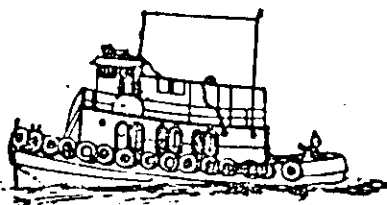
I would certainly hope that you would be in a position to support the Commissions efforts to provide proper management and protection for the species by allowing the WLFC to establish the proposed 4 man enforcement strike force to enforce these new regulations.

Thanks in advance for your support in this matter.

Respectfully,

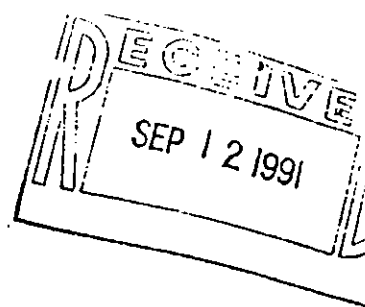
Robert J. Thompson
President
Atchafalaya Delta Chapter GCCA

RJT/jlm





Gulf Coast Conservation Association
Post Office Box 373, Baton Rouge, LA 70821
(504) 291-GCCA



September 9, 1991

Governor Buddy Roemer
Post Office Box 94004
Baton Rouge, Louisiana 70804-9004

Dear Governor:

During the September 5, 1991, Louisiana Wildlife and Fisheries Commission meeting, the Commission voted unanimously to file a Notice of Intent to adopt the following regulations regarding the proper management and protection of speckled trout:

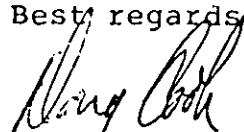
1. Reduce the commercial trout quota to one million pounds.
2. Establish a commercial speckled trout season from September 15th to April 1st. The season will be closed when the quota is met or April 1 arrives, whichever comes first.
3. Ban all netting for speckled trout on the weekends during the period that there is an open commercial season for speckled trout.
4. Direct the Secretary of Wildlife and Fisheries to establish a four man enforcement strike force to focus on enforcing both recreational and commercial trout regulations.

On behalf and as President of The Louisiana Gulf Coast Conservation Association, we ask that you support the Commissions effort to provide proper management and protection for our speckled trout.

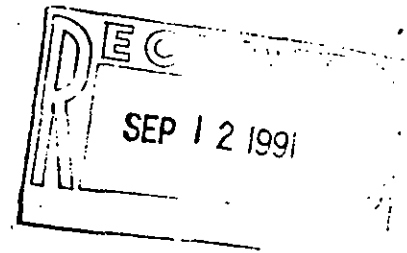
Under great pressure, the entire Commission stood tall and voted 7 to 0 to support the finfish subcommittees recommendation as outlined above. You should be very proud of every Commissioner as they have truly done the right thing to protect our depleted stocks of speckled trout.

Thank you for your time and patience in this matter and again, the entire Louisiana G.C.C.A. asks that you approve the above recommendations.

- Best regards,


Doug Cook
President

DC:dm



SMITH BARNEY

September 10, 1991

Hon. Buddy Roemer
P.O. Box 94004
Baton Rouge, LA 70804-9004

Dear Gov. Roemer:

On September 5, 1991, pursuant to its legislated mandate, the Louisiana Department of Wildlife and Fisheries Board voted 7 - 0 to set a quota and season for commercial catch of spotted sea trout (speckled trout). This resolution also prohibits all netting of speckled trout on weekends during the season and establishes a four man strike force to enforce the above.

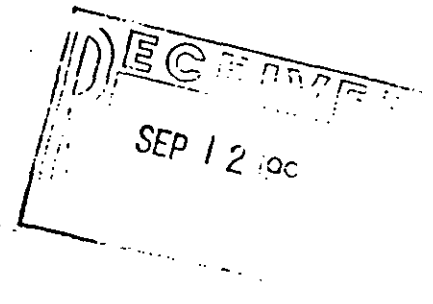
Although these measures are modest, I feel they will be effective. I would appreciate your using your executive prerogative to assure cooperation by the Natural Resources Committee. Thank you for your commitment to the enabling legislation during the last regular session.

Sincerely,


L. Maurice Provosty

LMP/kmc

HENRY M. MOUTON
P.O. Box 91701
Lafayette, Louisiana 70509-1701



September 11, 1991

Governor Buddy Roemer
P. O. Box 94004
Baton Rouge, LA 70804

Dear Governor Roemer,

I am taking this time to ask you to support the LDWF Commission Resolution regarding the management of speckled trout. This resolution is the first step to enhance the future of our precious specks.

Governor Roemer, each and every year there has been a decline in both the commercial and recreational harvest of specks. If we do not take action now, our fish could be in serious trouble.

Saltwater recreational fishing is a five hundred million dollar plus industry and if our trout disappear thousands of people will be laid off and millions of dollars will be lost. What will we replace this industry with?

Our commercial harvest count is not regulated very well. This year it took over eleven months to catch 1,250,000 pounds of specks. This means the average daily catch was 3,787 pounds of specks. The commercial fishermen claim that there are more trout than ever, yet it takes them more and more time each and every year to reach the quota. It is to their advantage to under report their catch.

Governor Roemer, let's look at this scenario. There are 1,800 licensed gill net fishermen in this state to fish specks. Let's say that only 300 are actually fishing and they only fish an average of five days a week. In eleven months (330 days) the daily average total catch is 3,787 pounds of trout or 12.62 pounds of trout per fisherman. If they are receiving \$2.00 per pound that means they have "gross" income of \$25.24 per day or \$126.23 per week or \$504 per month. Remember these numbers are gross! Can they even breakeven with these figures? I doubt it.

Look at this scenario. Suppose 300 fishermen fishing an average of five days a week catching an average of 150 pounds of specks per day giving them a total catch in eleven months of

(318)237-0223

14,850,000 pounds of specks. This is more than seven times the quota!!!

I like the limit of 25 trout. In the past two years, I have not even come close to limiting out. Since the fishing has been so bad I quit going. I usually burn 1,000 gallons of gas a summer - I burned 80 this summer. I usually spend \$1,000 on groceries, ice and tackle - I spent about \$75 this year. I am not the only person doing this. I have not been helping our ailing economy and I will not be of much help until the fishing gets better.

You have taken big strides to protect our redfish and its working. Please do the same for specks. Governor Roemer, be known as the "Governor that did something to protect the trout".

The commission is on the right track. Please support them.

Sincerely,


Henry M. Mouton

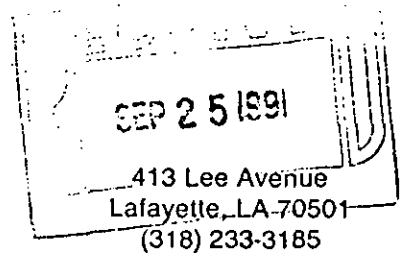
HM/cm

cc: Mr. J. H. Jenkins, Jr.
Mr. Jack Lawton, Jr.
Mr. Mark Hilzim
Mr. Jeff Schnider
Mr. Doug Cook

Law Offices of
JOSEPH F. GAAR, JR.

P.O. Box 2053
Lafayette, LA 70502

September 24, 1991



Honorable Buddy Roemer, Governor
State of Louisiana
P.O. Box 94004
Baton Rouge, Louisiana 70804-9004

Dear Governor Roemer:

I am writing again as the summer of 1991 comes to an end. I wrote you earlier this year requesting your action in getting more protection for our redfish and speckled trout. I am writing to again ask that you strongly consider giving additional protection to redfish and speckled trout.

I am an avid fisherman and fished at least once a week during this past summer. Needless to say on the majority of my trips, I came back with just a couple of fish per person. This has been one of the worst summers for speckled trout fishing that I have ever seen. One of the reasons that I feel certain that I am catching less fish is due to the commercial gill netters. Why is Louisiana the only state on the entire gulf coast which legalizes gill netting by commercial fishermen. Florida, Alabama, Mississippi and Texas have all outlawed gill netting in their waters. What this has created, is other commercial fishermen from surrounding states coming to our state to take advantage of our fish stocks. Or these other states know something Louisiana doesn't? Yes, they do know how gill nets can devastate fish populations.

One particular incident that stands out in my mind this past summer, while down in Grand Isle, I witnessed a commercial gill netter string his gill nets across Four Bayous, which is the main pass just to the east of Grand Isle. We were on the gulf side of the current with this commercial gill netter upstream from us. Needless to say we did not catch anything but a few 12 inch specs and an hour later when this gill netter brought in his net, it was loaded with 3, 4, and 5 pound speckled trout. That is in addition to flounder, redfish and other species.

These gill nets not only ensnare juvenile redfish, sharks, sea turtles, birds and other marine life, but also pollute our waterways when they are lost by these commercial fishermen.

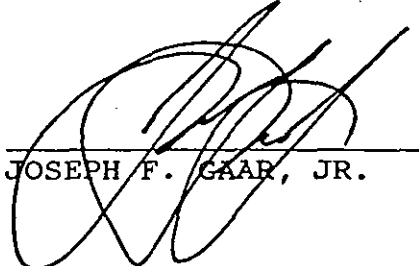
Govenor Buddy Roemer
September 24, 1991
Page -2-

I strongly request that you approve the actions of the Wildlife and Fisheries Commission in giving further protection to speckled trout and redbfish. By doing away with the commercial gill netters, I feel that in years to come, our stocks will once again reach a level to where we can truly say that Louisiana is the "Sportsmans Paradise". Please don't be persuaded by the restaurant association and commercial fishermen. It is people like myself who by and large spend the majority of money in this State to enjoy our great outdoors.

I would ask that you please contact me to advise as to what is being done by your office with regards to this matter.

With kindest personal regards, I remain,

Very truly yours,



JOSEPH F. GAAR, JR.

JFG, JR./cmb

cc: Dr. Ladislav Lazaro, III.
Dr. J. Frazer Gaar
Mr. Scott Thistlewaite

LAW OFFICES OF
STOCKWELL, SIEVERT, VICCELLIO, CLEMENTS & SHADDOCK

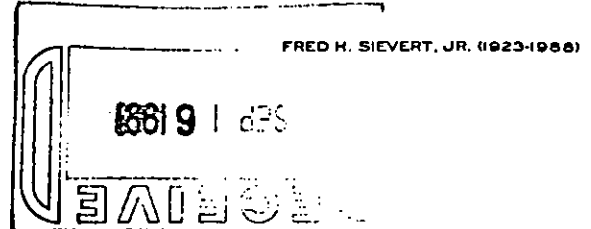
OLIVER P. STOCKWELL
CHARLES D. VICCELLIO
ROBERT W. CLEMENTS
WILLIAM E. SHADDOCK
EMMETT C. SOLE
JOHN S. BRADFORD
STEPHEN C. POLITO
ROBERT S. DAMPF
WILLIAM B. MONK
JEANNE M. SIEVERT
THOMAS G. HENNING
H. ALAN MCCALL

ONE LAKESIDE PLAZA 70601
POST OFFICE BOX 2900 70602
TELEPHONE (318) 436-9491
FAX (318) 493-7210
LAKE CHARLES, LOUISIANA

SHARON E. MCCAULEY
PAUL L. VEAZEY, JR.
DAVID L. BATEMAN
JAMES A. BLANCO
BRIAN L. COODY
H. AUBREY WHITE, III
ANDREW D. McGLATHERY, III

September 12, 1991

Honorable Buddy Roemer
Governor
State of Louisiana
P. O. Box 94004
Baton Rouge, LA 70804-9004



Re: September 5 Regulations
Louisiana Wildlife & Fisheries Commission

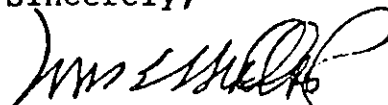
Dear Governor Roemer:

Your Louisiana Wildlife and Fisheries Commission members took very courageous and much needed action at its September 5th meeting. The commission adopted new rules setting seasons for commercial netting of speckled trout so as to permit the fish to spawn, and took other very important steps towards protecting this species.

As a very active recreational fisherman, I have noticed a very dramatic decline in the population and size of speckled trout over the past few years. Your approval and adoption of the new regulations passed by the Wildlife and Fisheries Commission is vitally and urgently needed.

Please approve these very commendable and necessary regulations adopted by the Wildlife and Fisheries Commission at your very earliest opportunity.

Sincerely,



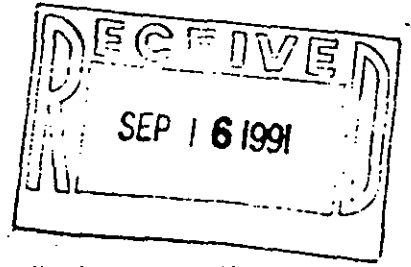
William E. Shaddock

WES/dv

cc: Mr. Houston Foret
Mr. Warren I. Pol
Mr. James H. Jenkins, Jr.
Mr. Norman F. McCall

Mr. Bert Jones
Mr. Peter Vujnovich
Mr. John F. "Jeff" Schneider

Governor Buddy Roemer
P.O. Box 94004
Baton Rouge, LA 70804-9004



Dear Governor Roemer,

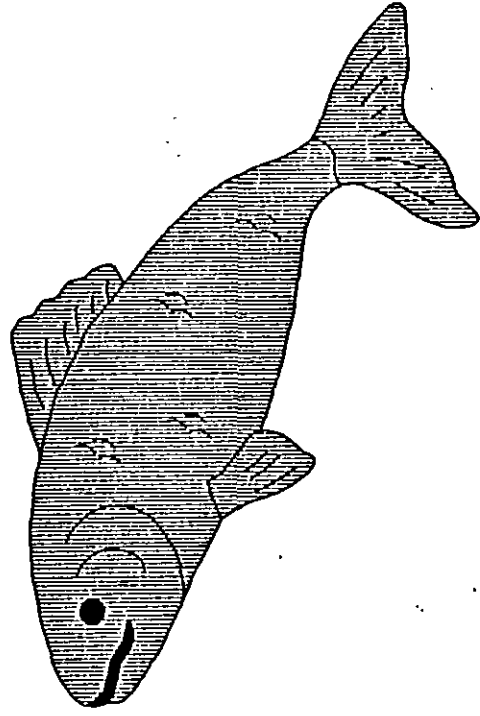
I just read the information from the Wildlife and Fisheries Commission meeting on Sept. 5, 1991. I am very pleased to see the commission taking good management procedures for our fishery. I urge you to please support the proposed regulations and begin a new era in the "Sportsman's Paradise". We can once again have the best fishing on the entire Gulf Coast with good and timely management.

Sincerely yours,
James Ed Brouard
2207 Augusta St.
Sulphur, LA 70663

1991 FISH KILL REPORT 1992 PREVENTION INITIATIVES

PRESENTED TO THE
LOUISIANA ADVISORY
COMMISSION ON PESTICIDE

NOVEMBER 1991



LOUISIANA
DEPARTMENT OF
AGRICULTURE &
FORESTRY

BOB ODOM
COMMISSIONER

LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY

REPORT ON JULY - SEPTEMBER, 1991 FISH KILLS

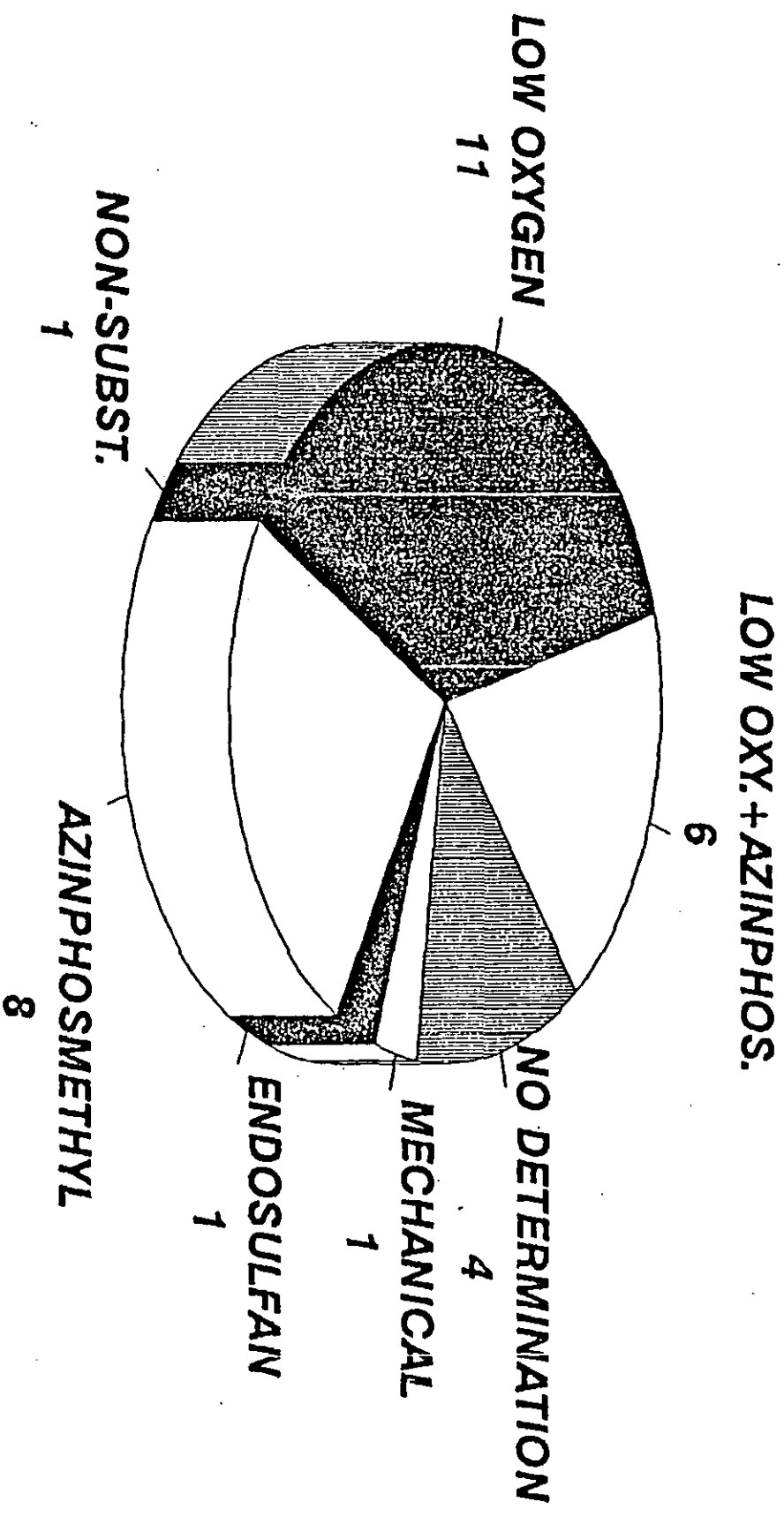
On June 27, 1991 a fish kill was reported in Iberia parish, followed by 31 other fish kills in the waterways of Louisiana during the months of July, August, and September 1991.

Inspectors from both the Louisiana Department of Agriculture & Forestry (LDAF) and from the Louisiana Department of Environmental Quality (LDEQ) responded and began investigating the causes of these fish kills. Samples of water, soil, fish and cane foliage were collected and shipped for chemical analysis to the Louisiana State University Lab, Baton Rouge, Louisiana, and LDEQ's lab at Northeast State University, Soil-Plant Analysis Laboratory, Monroe, Louisiana. In addition, water parameters such as dissolved oxygen, temperature, pH, and salinity, were measured at most of the inspected locations.

The staff of the Office of Pesticide and Environmental Programs within the LDAF has reviewed available data and concluded that nine fish kills were caused by pesticides, four were a combination of both oxygen depletion and the presence of pesticides, three were a combination of the presence of pesticides and some other environmental factor, one was completely fraudulent, one was caused by mechanical means, ten were clearly caused by oxygen depletion, and four could not be determined.

LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY
1991 FISH KILLS

32 TOTAL FISH KILLS



FISH KILL INVESTIGATION

On July 2, 1991, the LDAF was notified of a fish kill that had occurred in Bayou Jack in Iberia parish on June 27, 1991. The LDAF immediately began an investigation of this fish kill and subsequent fish kills that occurred on July 2 and July 6, 1991. On July 8, 1991, Commissioner Bob Odom declared fish kills priority one and issued the following directives to the Pesticide and Environmental Programs staff:

- 1) to utilize all necessary resources and personnel of LDAF.
- 2) to notify lab that fish kill samples were to be run with priority.
- 3) to expand on-going water monitoring program for pesticides (municipal water plants).
- 4) taking of water and fish samples at all fish kill sites and monitoring of waterways in the sugarcane area.
- 5) field personnel and lab to check for any illegal pesticide use.
- 6) to prepare maps of sugarcane areas showing sprayed fields near fish kill sites. Map should also show drainage into affected bayous or canals.
- 7) to get a daily report from the director and/or assistant director of pesticides.
- 8) to request technical assistance from Mobay (major manufacturer of azinphos-methyl).

Based on these directives, the following actions were taken in addition to the normal work plan for monitoring of pesticides:

I. Action Taken

A. Immediate On-site Complaint Investigation/Sample Collection upon Notification of a Fish Kill

1. LDAF received notifications from citizens, state agencies (LDEQ and LDWF), county agents, and the media.

B. Louisiana State University Lab - Focus on Analyzing Water and Fish Samples from Kill Sites

1. July 8, 1991, Lab made fish kill samples priority one.

2. July 8, 1991, Lab anticipated completed results on samples collected from first nine fish kills between July 22 and July 24, 1991.

C. Notification of Azinphos-methyl Manufacturers

1. Mobay notification July 9, 1991.

a. Mobay technicians on site July 11 and 12, 1991, and offered assistance to LDAF.

2. Micro Flo notification July 12, 1991.

3. Platte Chemical Company notification July 12, 1991.

D. Notification of Past Registrant of Azodrin

1. Du Pont notification July 12, 1991.

a. Requested Du Pont lab to run tissue samples of sugarcane for Azodrin.

i. Du Pont denied request (Lab not capable of this type analysis).

ii. Du Pont offered technical assistance if needed.

E. Notification of Other Agencies and Organizations

1. LSU Ag Center - Cooperative Extension Service (CES) and Experiment Station (ES)

a. July 12, 1991, Ag Center notification and request for assistance.

b. July 17, 1991, met with the following Ag Center personnel:

i. Sugarcane Specialist (ES) and (CES)

ii. Fish Biologist (ES)

iii. Fish Lab Technician (ES)

2. Louisiana Department of Wildlife and Fisheries

a. July 12, 1991, met with LDWF biologists to discuss other possible reasons for fish kills and the history of low dissolved oxygen fish kills.

b. July 16, 1991, director and assistant director met with Mr. Kell McInnis, Acting Secretary.

i. Requested the use of LDWF seaplane for use in aerial surveillance (would give us ability to land on water if overspray occurred or fish kill sighted).

ii. Requested that LDWF personnel join with LDAF personnel to investigate fish kills, use of boats, and identification of fish types.

3. U. S. Environmental Protection Agency (EPA), Region VI

a. Notified July 10, 1991.

b. Follow-up discussions on almost daily basis and continuing to date.

4. Louisiana Department of Environmental Quality

a. July 12, 1991, LDAF Assistant Commissioner received correspondence from LDEQ Assistant Secretary requesting LDAF personnel to collect and analyze samples.

b. July 17, 1991, LDAF Assistant Commissioner responded to LDEQ by letter and assured them that we were thoroughly investigating fish kills. Also requested that LDAF be informed of future fish kills reported to LDEQ in a more timely manner.

5. Louisiana Department of Health and Hospitals

a. Notified July 10, 1991.

b. Follow-up discussions during months of July, August, and September.

6. Louisiana Farm Bureau Federation, American Sugarcane League, Louisiana Aerial Applicators Association, and aerial applicators and agricultural consultants in sugarcane area.

a. July 9, 1991, notified of possible imminent problem.

i. Stressed that industry use extreme caution in applying pesticides.

ii. Requested all of the above to help in early notification of future kills.

F. On July 15, 1991, Commissioner Odom directed the staff of Pesticide and Environmental Programs to write a strategy plan to monitor the application of insecticides in the sugarcane area. On July 16, 1991, the strategy plan was written and approved as a working plan. The strategy plan was implemented on July 17, 1991.

II. Strategy Plan

A. Water Monitoring Program - Samples to be Analyzed for the Following, in Order of Importance: 1) Azinphos-methyl; 2) Azodrin; 3) Ammonia; 4) Asana

1. Municipal Water Plants - One gallon samples to be taken at raw water intake at the following plants:

- a. Assumption District #1
- b. St. Mary District #3
- c. Terrebonne District #3 (2 intake locations)
- d. City of Franklin

2. Municipal water samples are to be taken starting July 17, 1991 and then every two weeks thereafter.

3. Re-sampling of surface water at previously investigated fish kill sites within seven to ten days after initial samples. Re-sampling will continue at seven to ten day intervals until further notice.

4. Surface water monitoring - Staff will identify random surface water samples to be taken throughout sugarcane area. (There were ultimately forty-three (43) random sampling sites established.)

a. Initial site of sample will be marked and follow-up samples will be taken at seven to ten day intervals until further notice.

B. Environmental Monitoring

1. The following parishes in the sugarcane area will be monitored by these district personnel:

Baton Rouge District

Lafourche

Terrebonne

Assumption

St. James

Iberville

W. Baton Rouge

Ascension

Opelousas District

Iberia

St. Mary

Vermillion

2. July 16, 1991, directive from Assistant Commissioner (AES) that personnel will work every day until further notice.

3. July 17, 1991, Baton Rouge and Opelousas districts' field personnel and Crowley and Alexandria districts' managers and supervisors will be brought in to review and begin implementation of strategy plan.

4. July 17, 1991, LSU Ag Center personnel brought in to review and critique strategy plan.

5. LDAF resources to be used or made available to Pesticide Office for fish kills.

- a. LDAF Brand Commission - one boat
- b. LDAF Soil and Water Conservation - one boat
- c. LDAF Forestry - airplanes and pilots for surveillance in the sugarcane areas south of I-10, checking for new fish kill sites, application of pesticides, and potential causes of fish kills.

6. In addition to the above monitoring directives, LDAF personnel are to routinely do the following:

- a. Collect sugarcane samples near fish kill sites to be analyzed for illegal pesticides.
- b. Sample water where pesticide applications are being made.
- c. Inspect dealers, aerial applicators, and private applicators for illegal pesticides (especially near fish kill sites).
- d. Collect azinphos-methyl samples from original containers.
- e. Collect tank samples from applicators in the fish kill areas.
- f. Collect live fish samples to be caught from waterways in the sugarcane area.

- i. Live fish samples to be run by FDA Lab in New Orleans.

C. Analysis of Samples

- 1. Field-collected samples to be analyzed by the following:
 - a. Louisiana State University Agricultural Chemistry Lab
 - b. Other labs being contacted as follows: Mobay; Du Pont; EPA; FDA; other contract labs.

D. State Agencies and Sugarcane Interests

1. Continue lines of communication with Mobay; Du Pont; Micro Flo; Platte Chemical Company; LSU Ag Center; LDWF; EPA Region VI; FDA; LDEQ; Louisiana Farm Bureau; American Sugarcane League; Louisiana Aerial Applicators Association; Louisiana Department of Health & Hospitals; Sugarcane Consultants; and individual aerial applicators.

E. Identification and Mapping of Parish Fish Kill Occurrences

1. Baton Rouge and Opelousas district offices to perform record checks at aerial applicators near fish kill sites.

2. Baton Rouge and Opelousas district offices to contact consultants and aerial applicators for documentation maps.

3. Prepare maps to show location of fish kill sites in relation to other fish kill sites and identify drainage patterns.

4. Prepare maps to show location of fish kill sites in relation to sugarcane fields, in reference to spraying of azinphos-methyl.

****This report is based on field data collected concerning fish kill sites by LDAF, LDEQ, LCES, and LDWF, published scientific research data, and data reviewed by the fish kill panel.

(1) Bayou Jack

DEQ received a complaint of a fish kill occurring on Bayou Jack's Coulee on June 27, 1991. DEQ informed LDAF of the kill on July 2, 1991.

DEQ reported observing 5,000 dead fish which affected a three mile area. LDAF confirmed the presence of dead fish, but not in the numbers reported by DEQ. A statement obtained by LDAF of the marina owner where the kill was first seen also disputed the number of fish involved in the kill.

There were no witnesses to any apparent pesticide use violations.

Results of subsequent and repeated water samples proved to be negative for pesticides. Records inspections of aerial applicators which service the sugarcane fields adjacent to the fish kill site did not reveal any abnormalities. LDAF could not make a determination as to the cause of the fish kill.

(2) Hoel Canal

A fish kill in Hoel Canal was reported to LDAF on July 2, 1991.

Sagrera Flying Service is located adjacent to Hoel Canal. Along side of the airstrip is a drainage ditch which empties into Hoel Canal. DEQ's inspector observed what appeared to be some type of chemical in the drainage ditch. Water samples taken from the ditch and canal were positive for Azinphos-methyl (21.9 ppb in the ditch; 428 ppb in the canal).

Because of the extensiveness of the fish kill and the high concentrations of chemical found in the drainage ditch and canal waters, it must be concluded that a spill of Guthion from the airstrip caused the kill. LDAF did not receive a report of the spill prior to DEQ's investigation.

A subsequent on-site inspection by LDAF identified the absence of a functional closed containment system for the reclamation of unused pesticide and/or rinsate. This absence, coupled with the chemical spill which resulted in the fish kill, indicated that Sagrera Flying Service committed several pesticide use violations. Among them are: LAC 7:13167 failure to report a spill; LAC 7:13175(A)(1,2) failure to re-apply rinsate or to deposit rinsate in a closed containment system.

Enforcement Action Taken: LDAF issued Sagrera Flying Service a protective order on August 9, 1991 which ordered it to cease discharges of rinsate in violation of LAC 7:13175(a)(1,2).

(3) Bayou Lafourche

DEQ received a fish kill complaint on July 6, 1991 which occurred on Bayou Lafourche, south of the town of Lockport. DEQ did not relay this complaint to LDAF, but Thomas Rachal, a local resident, reported the fish kill to LDAF on July 8.

The number of fish involved in this kill was more than any of the previously described kills. DEQ estimated that the kill included over 130,000 fish of multiple varieties and extended for approximately 9.8 miles.

The area of the Bayou where the kill occurred is flanked by extensive sugarcane fields. However, Bayou Lafourche is a waterway that receives constant commercial traffic. In addition, the Bollinger Shipyard, one of the largest shipyards in Louisiana, is just north of the fish kill site.

DEQ identified the alleged origin of the fish kill as coming from the McLeod Pumping Station since no dead fish were seen north of the station and the natural flow of the bayou is in a southerly direction. The McLeod Pumping Station drains a large area of sugarcane fields that lie adjacent to the Bayou.

DEQ inspectors concluded that the fish kill was pesticide caused since area residents had seen aerial applicators spray the adjacent fields prior to the kill. Although a DEQ sample taken on July 6 was negative, DEQ concluded that fish behavior in water and when taken out of water demonstrated a toxic reaction to pesticides.

LDAF investigation confirmed that a large fish kill had occurred; however, live fish were also observed in the area of the kill site. A water sample taken at the McLeod Pumping Station produced positive results for Azinphos-methyl of 1.36 ppb. LDAF concluded that this fish kill resulted from the presence of Azinphos-methyl.

(4) White Castle Canal and Lake Natchez

On July 8, 1991, Guy Hymel reported a fish kill to LDAF which occurred in the White Castle Canal and Lake Natchez water bodies.

Mr. Hymel gave a strong statement which alleged the following: He and his wife were fishing on the White Castle Canal when it began raining very hard in the late afternoon hours. Mr. Hymel reports hearing a helicopter spraying an area approximately 1 1/2 miles away from where he was and that the helicopter continued to spray throughout the rain storm. Mr. Hymel never saw the helicopter, but estimated that 3 1/2 to 4 inches of rain fell during the time the helicopter continued to spray. The following day, Mr. Hymel reports seeing dead fish over several miles of waterways.

LDAF investigated the fish kill on July 9. Water samples were taken, but yielded negative test results.

A records inspection of nearby aerial applicators confirmed that a helicopter from River Road Aviation sprayed a 60 acre field with Asana (a pyrethoid) in the area described by Mr. Hymel on July 2. However, the application occurred at 8:00 am, not the late afternoon as described by Mr. Hymel. In addition, climatological records for the White Castle Canal area recorded only 13 inches of precipitation on July 2.

It should be note, also, that LDAF dissolved oxygen readings taken on July 8 illustrated a reading of 1.2-2.5. Therefore, LDAF concluded that this fish kill was a result of low dissolved oxygen.

(5) Port of Iberia I

DEQ received a report of a fish kill occurring at the Port of Iberia on July 8, 1991. The Port contains a great deal of industrial development. An intracoastal canal runs south from the Port of the Gulf of Mexico. Sugarcane fields lie adjacent to the Port of Iberia Court just south of the Port area. Below the sugarcane fields are swamps and marsh which lead into the Gulf to Mexico. The Port of Iberia Canal is heavily influenced by the Gulf Tide.

LDAF inspectors could not identify any witnesses who could describe any pesticide use violations, and records inspections of aerial applicators who serviced local sugarcane fields failed to reveal any irregularities. LDAF concluded that this fish kill resulted from low dissolved oxygen and the presence of Azinphos-Methyl.

(6) Blind River I

DEQ received a report of a fish kill on Blind River on July 6, 1991. DEQ relayed this report to LDAF on July 8. LDAF investigated the incident on July 11.

LDAF obtained statements from two witnesses who identified the area of the kill. The kill site was identified on a stretch of Blind River which runs through a swamp and empties into a canal which parallels U.S. Highway 61. The nearest sugarcane fields are two to four miles away from the fish kill site. However, water drainage from the fields apparently flows in the direction of Blind River.

Although witnesses indicated aerial applicators had sprayed sugarcane fields in the days preceeding the kill, no pesticide use violations were described. A records inspection of aerial applicators which serviced the sugarcane fields closest to the kill site did not reveal any irregularities.

Dissolved oxygen readings taken by DEQ on July 6 demonstrated a range of .5-4.0. Because of the response time, LDAF could not make a determination as to the cause of this fish kill.

(7) Bayou Patout

Bayou Patout, the scene of a fish kill reported on July 8, 1991, presents an excellent illustration of the complex web of waterways and ditches that snake throughout sugarcane fields.

An unidentified complainant reported to DEQ that a fish kill had occurred in Bayou Patout on July 8, 1991. The complainant indicated to DEQ that fish began dying on July 6, and DEQ did not identify a reason for the delay in reporting the kill or the person making the complaint.

LDAF responded to the kill site on July 9, 1991. The presence of dead fish was confirmed, and inspectors took water and fish samples for laboratory analysis. No witnesses to the fish kill could be found.

The fish samples were too decomposed for an analysis and results of water samples were negative for the presence of pesticides.

Inspectors surveyed area farmers and pesticide applicators for the frequency and volume of pesticides applied to area sugarcane fields and found that such met label requirements. Local climatological data recorded 3.5 inches of rain fell on July 5 and 1.54 inches fell on July 16.

Without any witnesses and since records inspections of area applicators did not demonstrate any irregularities, no pesticide use violations could be identified and LDAF did not make a determination as to the cause of this fish kill.

(8) Boston Canal

DEQ received a fish kill report on Boston Canal on July 8, 1991. LDAF investigated on July 9 and observed dead fish. Fish could not be analyzed due to decomposition, but water results were positive for Azinphos-Methyl at 5.1 ppb. Record inspections of aerial applicators who serviced sugarcane fields which were near the fish kill site did not reveal any abnormalities. There were no witnesses to any apparent pesticide use violations. LDAF concludes that Azinphos-Methyl caused this kill.

(9) Bayou Petite Anse

On July 11, 1991, LDAF received a complaint of a fish kill which occurred on Bayou Petite Anse. LDAF inspectors confirmed the presence of dead fish and water samples revealed Azinphos-Methyl in a level of 18.6 ppb. Dissolved oxygen readings taken by DEQ demonstrated 2.6-6.

LDAF inspectors could find no witnesses to pesticide use violations and records inspections failed to identify any irregularities. LDAF concluded that fish kill resulted from the presence of Azinphos-Methyl.

(10) Bayou Tete

A DEQ inspector observed dead fish in Bayou Tete on July 13, 1991. DEQ did not contact LDAF about the kill, but on July 15, Allen Sorrel telephoned LDAF to report the fish kill.

A statement taken by LDAF of Allen Sorrel indicated that he observed an aerial applicator spraying sugarcane in the area of the fish kill on July 11 and 12. On July 13, Mr. Sorrel began noticing dead fish which, according to his estimate, extended for three miles. Mr. Sorrel speculated that rain water run-off of pesticides caused the fish kill.

A records inspection by LDAF confirmed that Ed and Alex Flying Service did spray the area described by Mr. Sorrel. However, the records of the application did not reveal any abnormalities and Mr. Sorrel could not identify any pesticide use violations. Also, climatological data for the days preceeding the kill contradict Mr. Sorrel's reports to hard rain fall. However, LDAF does attribute this kill to the presence of Azinphos-Methyl.

(11) Bayou Tigre

DEQ received a report of a fish kill on Bayou Tigre on July 16, 1991. DEQ relayed the report to LDAF on July 18 when LDAF began its investigation.

LDAF did confirm the presence of dead fish and a water sample proved positive results of Azinphos-Methyl at 7.8 ppb.

In surveying the sugarcane farmers and applicators in the area, LDAF could identify only one farm which sprayed with Azinphos-Methyl before the fish kill. However, LDAF could identify no pesticide use violations and concluded that the presence of Azinphos-Methyl caused this fish kill.

(12) Bayou Dularge

LDAF received a report and investigated a fish kill which allegedly occurred on Bayou Dularge in Terrebonne Parish on July 20, 1991. The kill could not be identified or confirmed. Water samples were negative for traces of Azinphos-Methyl. No pesticide use violations could be identified. This apparently was a previous complaint.

(13) Bayou Macon

LDAF investigated with DEQ a fish kill on Bayou Macon in West Carroll Parish on July 22, 1991. Multiple species of dead fish were identified along a stretch of Bayou Macon which is lined with cotton and rice fields. At the time of investigation, the fish had appeared to have been dead for several days.

Water samples showed positive readings of Ordram 15-21 ppb. Ordram is a herbicide most typically used on rice. Further investigation revealed that the farmer of a nearby rice field periodically drains the water from the fields. In addition, water from the rice fields on occasion, spills over the rice field levees and into the Bayou. However, review of the farmer's records indicated that the last drain to occur was nearly two months before the kill, and the last application of Ordram before the kill was June 25. Moreover, the technical data sheet on Ordram claims that it "presents minimal hazard to aquatic life".

Statements of other witnesses uncovered no pesticide use violations. LDAF did not make a determination as the cause of this fish kill.

(14) Blind River II

LDAF investigated a second fish kill on Blind River in St. James Parish on July 29, 1991. LDAF confirmed the kill and DEQ estimated over 15,000 dead fish of multiple types. Dissolved oxygen readings taken by DEQ demonstrated a range of .6-1.8 ppm. At the time of investigation the water appeared to be very muddy, and both live and dead fish were observed. Water samples showed positive signs of Azinphos-Methyl .88, 2.5, and 6.86 ppb.

Inspections of nearby aerial applicators revealed no irregularities. Climatological records recorded .76 inches of rainfall fell on July 27. Statements of local residents demonstrated no pesticide use violations. LDAF concluded that this fish kill resulted from low dissolved oxygen and the presence of Azinphos-Methyl.

(15) Joe's Bayou

LDAF, DEQ and the Louisiana Department of Wildlife and Fisheries ("LDWF") jointly investigated a fish kill on Joe's Bayou in Richland Parish on July 31, 1991. LDAF confirmed that death of multiple species of fish.

Cotton fields lie on both sides of the bayou where the kill occurred.

Local residents related that the fields were sprayed on July 27 which was followed by a large rainstorm. Thereafter, fish began dying.

An inspection of the aerial applicators who serviced the fields revealed that Methyl Parathion and Endosulfan was applied according to its labeled concentration of July 27. Water sampled did reveal positive reading of Methyl Parathion and Endosulfan, as well as the presence of other chemicals. Climatological records indicate that 1.39 inches of rainfall fell on July 28. Endosulfan is highly toxic to aquatic life and LDAF concluded that this is what killed the fish.

(16) Bayou Petite Caillou

A cooperative extension agent reported a fish kill on Bayou Petite Caillou in Terrebonne Parish on August 1. LDAF investigated on August 2.

The area where the kill occurred is flanked by residential housing. Various canals drain into the Bayou which is choked by aquatic vegetation.

The county agent recorded a dissolved oxygen reading of 3.6 on the afternoon of the kill. Water samples were positive for Azinphos-Methyl at 3.5 ppb. However, records of aerial applicators which service nearby sugarcane fields indicate that no chemical was applied to area fields for two weeks prior to the kill. No pesticide use violations could be identified. LDAF concluded that this fish kill was a result of low dissolved oxygen and the presence of Azinphos-Methyl.

(17) Bayou Portage

LDWF reported a fish kill occurring on Bayou Portage in Pointe Coupee Parish on August 1. Both LDAF and LDWF investigated the kill. Extremely low dissolved oxygen readings of 1.5 and below led each agency to conclude it was the cause of the kill.

(18) Crew Lake

DEQ and LDAF investigated a fish kill at Crew Lake in northern Richland Parish on August 2. LDAF confirmed that multiple types of fish had died. Dissolved oxygen readings were uniformly low, 1.7-2.8. Water sample was negative for Methyl-Parathion, but positive for Bladex 5.33 ppb. LDAF determined that low dissolved oxygen caused this fish kill.

(19) Lac Des Allemands

LDWF reported a fish kill on Lac Des Allemands in St. Charles Parish on August 2. The kill was investigated by LDAF, DEQ and LDWF. LDWF obtained uniformly low dissolved oxygen readings which was attributed to an algae bloom. There are no agricultural fields anywhere in the area of the kill. LDAF concluded that low dissolved oxygen cause the fish kill.

(20) Tommy Haring Catfish Pond

LDAF and DEQ investigated a fish kill on a private catfish pond in Franklin Parish on August 5. A cotton field is west of the pond. The pond owner suspected that a pesticide drift caused the kill.

An inspection of the aerial applicator who serviced the nearby cotton fields indicated that Methyl-Parathion and Bolstar were sprayed on August 3. Yet water samples taken on August 5 when the fish kill occurred were negative.

Low oxygen readings taken from certain areas of the pond combined with its brilliant green color renders it more probable than not that an algae bloom cause the fish kill.

(21) Himalaya Canal a/k/a Martel Canal

LDAF investigated a fish kill on the Himalaya Canal on August 6, in Assumption Parish. The canal drains nearby sugarcane fields, cypress swamps and the Supreme Sugar Refinery discharge water. LDAF confirmed the fish kill and found the water to be almost black in color and possessed a strong odor. Dissolved oxygen readings by DEQ were uniformly low, 0.2 to a high of 3.5 near Lake Veret. Water samples also showed positive traces of Azinphos-Methyl 5-12.9 ppb.

A review of aerial applicator records revealed that Azinphos-Methyl had been applied to area sugarcane fields, but no irregularities were identified. LDAF concluded that this fish kill was a result of low dissolved oxygen and the presence of Azinphos-Methyl.

(22) Bayou Blue

DEQ reported a fish kill occurring in the Bayou Blue in Terrebonne Parish on August 7. The bayou lies near sugarcane fields and contains substantial water hyacinth growth. Water samples were positive for Azinphos-Methyl at 1.26 and 1.03 ppb. Climatological records recorded rainfall of .17 inches on August 6 and .21 inches on August 7.

A review of aerial applicators who serviced area sugarcane fields demonstrated no abnormalities. LDAF concluded that this fish kill was a result of low dissolved oxygen and the presence of Azinphos-Methyl.

(23) Lake Martin

On August 8, LDAF investigated a fish kill as reported by DEQ. The kill occurred on Lake Martin, in St. Martin Parish. DEQ obtained intolerable levels of dissolved oxygen reading 0.5 to 1.1 and concluded that it resulted from a prior algae bloom. Water samples were negative for Azinphos-Methyl and Asana. LDAF concluded that this fish kill was caused by dissolved oxygen.

(24) Bayou Black

DEQ received a report of a fish kill on Bayou Black in Terrebonne Parish on August 13, when LDAF began its investigation. Bayou Black is parallel to Highway 90 and sugarcane fields.

A witness to the fish kill indicated he saw fish jumping and swimming to the surface before dying. Another witness expressed frustration when his attempts to report the kill to LDAF did not receive a prompt response.

LDAF confirmed that a fish kill occurred over a three mile stretch to the waterway. During the investigation both live and dead fish were seen. Two of four water samples were positive for Azinphos-Methyl, 1.5 and .9 ppb, but low dissolved oxygen reading were also obtained 1.1-3.9 ppb.

Applicator records indicated that there were no applications of Azinphos-Methyl on area sugarcane for two weeks prior to this kill. Despite the presence of some traces of Azinphos-Methyl in the water samples, the weight of the investigative finding point to dissolved oxygen as the primary cause of the fish kill. Additionally, LDAF's investigation failed to identify any pesticide use violations.

(25) Bayou Junction

On August 13, LDAF investigated a fish kill on Bayou Junction in St. Martin Parish. The bayou splits a heavily wooded area and there are no agricultural activities near the kill site. Water samples were negative for Azinphos-Methyl. Dissolved oxygen readings taken by DEQ were low. LDAF concluded that kill was a result of low dissolved oxygen.

(26) Bayou Brusly a/k/a Williams Drainage Canal

A witness reported a fish kill on Bayou Brusly in Assumption Parish on August 15. The witness began seeing fish die on August 12. Dissolved oxygen readings taken by DEQ demonstrated a range from 3.0-.2. Water samples were positive for Azinphos-Methyl at 2.5 and 4.1 ppb.

A records inspection showed that seventy-five gallons of Azinphos-Methyl was applied to 202 acres of nearby sugarcane on August 10, but no irregularities or pesticide use violations were identified. LDAF concluded that kill was a result of low dissolved oxygen and the presence of Azinphos-Methyl.

Climatological records recorded .24 inches of rain falling on August 11 and .03 inches of rain on August 12.

(27) Quintana Canal

LDAF investigated a fish kill on Quintana Canal in St. Mary Parish on August 15. Sugarcane fields periodically line the bayou. The bayou flow in a southerly direction.

LDAF inspectors confirmed the fish kill and water samples showed positive signs of Azinphos-Methyl at 8.2, 6.57 ppb. Dissolved oxygen readings appeared to be low, but within a tolerable range.

Records of aerial applicators who serviced area fields revealed that a two hundred acre field which is north of the kill site was sprayed with Azinphos-Methyl on August 12. Climatological records indicate .19 inches of rainfall fell on August 12 and 1.1 inches on August 14. LDAF attributes this fish kill to the presence of Azinphos-Methyl.

Witnesses could describe no pesticide use violations and aerial applicator records revealed no abnormalities.

(28) Loureauxville Canal, Lake Fausse Point

LDAF investigated a fish kill which occurred in an unnamed waterway south of the Loureauxville Canal off of Lake Fausse Point in Iberia Parish on August 16. The waterway drains a large area of sugarcane, rice fields and crawfish ponds into the lake. Thick aquatic vegetation overlaying the canal renders water travel virtually impassable.

Dissolved oxygen readings taken by DEQ were in a range of 3.9-4.6. Water samples demonstrated positive signs of Azinphos-Methyl at 16.8, 40.00 ppb. Climatological records reported rain fall of .65 inches on August 15. LDAF concluded that this fish kill is clearly a result of the presence of Azinphos-Methyl.

(29) Ouachita River

On August 19, U. S. Wildlife and Fisheries Service reported a fish kill on the upper Ouachita River near the Georgia Pacific Wildlife Management area. LDAF investigated and determined the origin of the kill site to be in the area of two large pumps contained 48 inch intake valves and were pumping excess water from the fields into the Ouachita River. The dead fish appeared to be damaged in various degrees.

LDAF and LDWF concluded that the kill occurred as fish were pulled through the pump.

(30) Port of Iberia #2

LDAF investigated a second fish kill in the Port of Iberia on August 26. Dissolved oxygen readings were at low range 1.1-2.3 and water samples were negative for either Azinphos-Methyl or Asana. LDAF concluded that this fish kill resulted from low dissolved oxygen.

Anticipated Enforcement Action: None. Investigative finding point to dissolved oxygen being the cause for the kill.

(31) Company Canal

DEQ reported kill to LDAF on September 19. Witnesses claimed fish kill occurred on September 19, but kill apparently occurred days before.

The canal links Bayou Lafourche to the Intercoastal Waterway and connects with Lake Fields. It is greatly susceptible to tidal movement.

Dissolved oxygen readings obtained by DEQ demonstrated intolerable levels in the canal. DEQ and LDAF concluded that algae bloom in the canal after an influx of lake water caused the kill.

(32) Cane River

A massive fish kill was reported by the Cane River Waterway Commission of September 21. LDAF, DEQ and LDWF jointly investigated the kill. The agencies concluded that excessively low dissolved oxygen levels due to a lake turnover with the passage of a weather cold front caused the fish kill.

LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY

1991 Fish Kills; Chronology By Location

SITES	DATE REPORTED *	DATE SAMPLED	TOTAL SAMPLES	AZINPHOS METHYL (ppb)	FOLLOW-UP DATES	DISSOLVED OXYGEN (ppm)
BAYOU JACK	7/2 (5/27)	NONE	0		7/18, 23 & 29; 8/14	4.7-6.4 (7/27)
NOEL CANAL	7/2 (7/2)	7/2	2	21.9, 428.0	8/14(2); 8/22	5.08 (7/2)
B.LAFOURCHE	7/8 (7/6)	7/9	2	NEG, 1.36	7/18, 19 & 30 & 8/4	3.2-3.4 (7/6)
WHITE CASTLE	7/8	7/9	1	NEG.	7/18, 24 & 29; 8/13	1.3-2.5 (7/8)
PORT IBERIA I	7/8	7/9	1		7/18 & 29; 8/14 & 26	2.0-4.0 (7/8)
BLIND RIVER I	7/8 (7/6)	7/11	1	NEG.	7/18 & 29	0.5-4.0 (7/6)
BAYOU PATOUT	7/9 (7/8)	7/9	1	NEG.	7/18 & 29; 8/14	6.0 (7/8)
BOSTON CANAL	7/9 (7/8)	7/9	1		7/18 & 29; 8/14; 8/22	4.7-5.2 (7/8)
PETITE ANSE	7/11	7/11	1		7/18 & 29; 8/14 & 22	2.6-3.0 (7/11)
BAYOU TETE	7/15 (7/13)	7/15	1		7/18 & 29; 8/14	5.7 (7/15)
BAYOU TIGRE	7/8 (7/16)	7/18, 7/19	2	NEG. 7/18; 7.80 7/19	7/29; 8/14 & 22	2.7 (7/17)

* LD AF

(Date reported to DEQ)

LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY

1991 Fish Kills; Chronology By Location

SITES	DATE REPORTED	DATE SAMPLED	TOTAL SAMPLES	AZINPHOS METHYL (ppb)	FO/W-UP DATES	DISSOLVED OXYGEN (ppm)
B. DULARGE	7/20	7/20	2	NEG.	7/29	-----
B. MACON	7/22	7/22	1	N.A.	7/23	4.3-11.2(7/22)
BLIND RIVER2	7/29	7/29	6	3NEG;6.8,0.88,2.5		0.6-1.8 (7/29)
JOE'S BAYOU	7/31	7/31	3	N.A.	9/4	0.7-8.3 (7/31)
PETITE CAILLOU	8/1	8/2	1	3.5		3.6 (8/1)
B. PORTAGE	8/1	NONE	NONE	---		1.5 ,below
CREW LAKE	8/2	8/2	1	NEG.		1.7-2.8 (8/2)
L.D. ALEMANDS	8/2	NONE	NONE			3.0 & BELOW(8/2)
T. HARRING	8/5	8/5	2	N.A.		0.15-5.5(8/5)
HIMALAYIA	8/6	8/6	4	3 NEG.,5.09	8/14&29	0.2-3.5(8/6)
BAYOU BLUE	8/7	8/7	2	1.26, 1.03		---

LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY

1991 Fish Kills; Chronology By Location

SITES	DATE REPORTED	DATE SAMPLED	TOTAL SAMPLES	AZINPHOS METHYL (ppb)	FO/W-UP DATES	DISSOLVED OXYGEN (ppm)
LAKE MARTIN	8/8	8/8	3	NEG.		0.1-0.5(8/8)
BAYOU BLACK	8/13	8/13	4	0.9-1.5;2=NEG.		0.3-3.9(8/13)
B. JUNCTION	8/13	8/13	2	NEG.		-----
B. BRUSLEY	8/15	8/15	2	4.1 & 2.5		0.2-3.0(8/15)
QUINTANA CAL	8/15	8/15	2	6.5 & 6.3		3.6 (8/16)
LOREAUVILLE	8/16	8/16	2	16.8 & 40		3.0-6.0(8/16)
OUACHITA RIVER	8/19	8/19	2	NEG.		2.7-5.9(8/19)
PORT IBERIA 2	8/26	8/26	2	NEG.		1.1-2.3(8/26)
COMPANY CAL	9/19	9/19	2	NEG.		1.5-3.5(9/19)
CANE RIVER	9/27	9/27	2	NEG.		0-10 (9/27)

ENFORCEMENT ACTION

In addition to investigations as to the cause of the fish kills, the Louisiana Department of Agriculture and Forestry also has the responsibility to investigate the circumstances of the fish kills with regard to possible related pesticide use violations.

Over a three month period of time, the Department of Agriculture and Forestry responded to and investigated thirty-two fish kills which occurred in sixteen parishes throughout Louisiana. Arising out of these investigations and other collateral monitoring, the Department of Agriculture and Forestry took the following enforcement actions:

- * Suspended the sale, use, and application of the pesticide azinphos-methyl on sugarcane.
- * Issued fifty-three Stop Orders.
- * Suspended three aerial applicator certifications.
- * Issued three Protective Orders.
- * Supervised the clean-up of two pesticide spills.
- * Have currently identified twenty-two instances of pesticide use violations for additional enforcement action.

1991 MONITORING PROGRAM

25 TOTAL FLIGHT DAYS

JULY 1991

18,19,20
21,22,23
25,28,31

AUGUST 1991

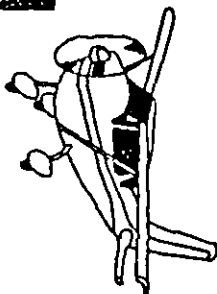
1,13,16
20,21,22,29

SEPTEMBER 1991

6,20,23,27

OCTOBER 1991

5,9,11,15,18



1991 FISH KILL ENFORCEMENT ACTION

- Suspended the sale, use, and application of pesticide azinphos-methyl on sugarcane.
- Issued fifty-three Stop Orders.
- Suspended three aerial applicator certifications.
- Issued three Protective Orders.
- Supervised the clean-up of two pesticide spills.
- Have currently identified twenty-two instances of pesticide use violations for additional enforcement action.

1991 FISH KILL
ACTION PLAN

- ON SITE INVESTIGATION
- LSU LABORATORY
- NOTIFICATION
OF FORMULATORS
- AGENCY NOTIFICATION

1991 FISH KILL
STRATEGY PLAN

- WATER MONITORING PROGRAM
- ENVIRONMENTAL MONITORING
- ANALYSIS OF SAMPLES
- MAPPING

"BLUE RIBBON" PANEL

Panel formed by Commissioner Odom on July 25, 1991

The commissioner wanted an independent group of scientists to objectively analyze the empirical data in order to arrive at conclusions in regards to the causes of the fish kills, and to make recommendations to the Department of Agriculture and Forestry regarding means and methods in responding to fish kills.

Make-up of Panel

Tulane Department of Environmental Sciences (Dr. Assaf Abdelghani)

USDA, Soil Conservation Services (Mr. Kent Milton)

Louisiana Department of Health and Hospitals (Dr. Raoul Ratard)

U. S. Fish and Wildlife Services (Mr. Paul Conzelmann)

LSU Cooperative Extension Service (Dr. Dale Pollet)

Louisiana Department of Wildlife and Fisheries (Mr. Gary Tilyou)

The panel defined their mission as consisting of the following objectives:

- 1) Assessment of available data.
- 2) Evaluation of the sampling program.
- 3) Attempt to identify the causes of the fish kills.
- 4) Writing recommendations.

LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY

PLAN TO PREVENT PESTICIDE-RELATED FISH KILLS

A comprehensive plan of action to upgrade response to future fish kills

I. TRAINING

II. LABEL MODIFICATION

III. ADMINISTRATIVE POLICIES AND PROCEDURES

IV. MONITORING AND ENFORCEMENT

V. REVIEW AND INCORPORATE RECOMMENDATIONS OF 1991 FISH KILL PANEL

I. TRAINING

- A. AERIAL APPLICATORS TRAINING CERTIFICATION PROGRAM
- B. UPDATE PRIVATE APPLICATORS TRAINING PROGRAMS
- C. COMPREHENSIVE INSPECTORS TRAINING PROGRAM ON FISH KILL

II. LABEL MODIFICATION

- A. POSSIBLE LABEL CHANGE
- B. REQUIRE STRicter LABEL REQUIREMENT ON AZINPHOS-METHYL
- C. REVIEW IDAF RULES AND REGULATIONS

III. ADMINISTRATIVE POLICIES AND PROCEDURES

- **A. ADOPT ADDITIONAL POLICIES AND PROCEDURES**
- **B. ENCOURAGE BETTER LINE OF COMMUNICATIONS WITH OTHER AGENCIES**

IV. MONITORING AND ENFORCEMENT

- **A. ADDITIONAL PERSONNEL FOR PESTICIDE INVESTIGATION**
- **B. COMPUTERIZATION OF FILING SYSTEM**
- **C. PESTICIDE HOT LINE EMERGENCY RESPONSE**
- **D. WATER MONITORING PROGRAM**

**V. REVIEW AND INCORPORATE RECOMMENDATIONS OF
FISH KILLS PANEL**

• A. FISH KILL PANEL RECOMMENDATIONS

**WATER MONITORING
FOR
PESTICIDES**

Water Monitoring for Pesticides

Introduction

In order to effectively monitor for the presence of pesticides in the waters of the state, a network of forty-five (45) stations will be established. A summary of the locations, site selection criteria, monitoring parameters and sampling schedules for the network is given in the following discussion.

Site Selection

Agricultural land use by major crops (cotton, soybean, rice and sugarcane) is shown in Figure 1. The agricultural land use data and drainage patterns were of paramount importance in selecting the location of the monitoring sites. As can be seen in the map, the major cropping areas are associated with the alluvial soils of the Red, Mississippi, Teche, Calcasieu, Mermentau, Vermilion Rivers and the prairie soils of Southwest Louisiana. A majority of the sampling stations are located on tributaries to the major rivers that drain the row crop areas of the state.

After review of the agricultural land use in the state and the drainage basins in those areas, it was determined to establish forty-five (45) permanent stations in Louisiana to monitor for the presence of pesticides in the surface waters. Sampling stations will be established at locations that will most effectively detect any pesticides movement from areas where they were applied.

The stations selected are shown in Figure 2 and the site data for each is given by Parish in Table 1. Prior to the initial sampling of the sites, these will be coordinated with other agencies involved in water sampling such as DEQ, USGS and others.

Sampling Schedule

The following sampling schedule will apply to the sites. Samples will be taken within a five day period of the scheduled date as given below.

February 15, 1992 (Pre-cropping baseline sample)
May 15, 1992
June 15, 1992
July 15, 1992
August 15, 1992
September 15, 1992
Total samples per site = 6

Analytical Parameters

The pesticides to be monitored in any given area are determined by the types of crops grown. Since the purpose of the monitoring network is to detect any pesticides used, the analytical parameters for the stations will be determined by the major crops grown in the area and the most used pesticides on those crops. Data in Table 2 indicates the most used pesticides on each of the major crops. In cases where there are two major crops in the vicinity, such as soybeans and cotton, parameters for both will be used in the analysis. In addition to this, the initial pre-cropping sample will be run for the entire spectrum of pesticides. Should any be deleted, continued analytical work for those will be undertaken.

Follow-up

Figure 4 indicates actions to be taken as follow-up depending on the sampling results.

LOUISIANA AGRICULTURAL LANDUSE MAP

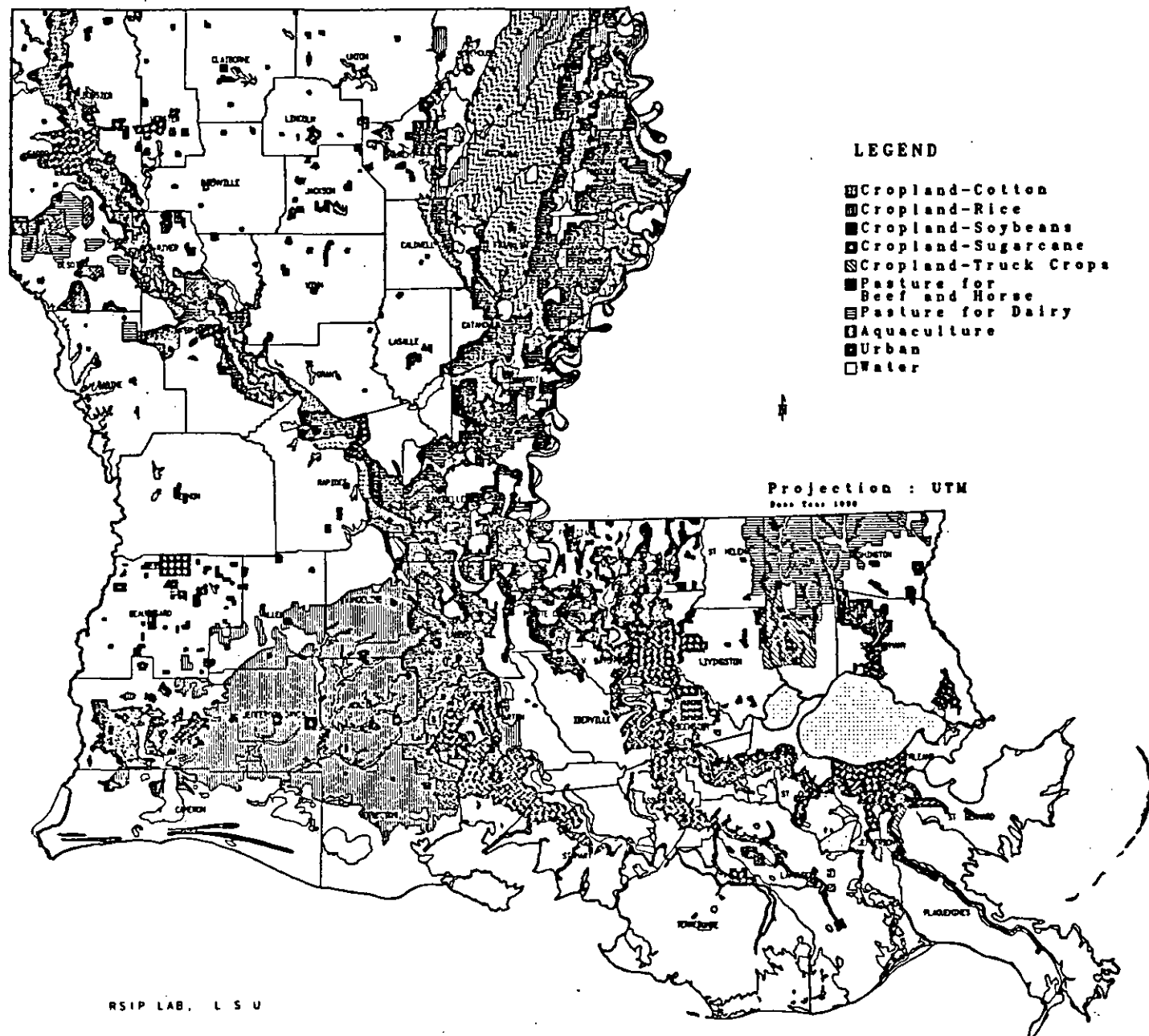


Table 1 - Pesticide Water Monitoring Sites

Parish	Location
Acadia	Bayou Plaquemine
Acadia/Jeff Davis	Mermentau River
Acadia/Vermilion	Vermilion River
Allen	Calcasieu River
Avoyelles	Little River
Bossier	Red Chute Bayou
Caddo	Black Bayou
Calcasieu	Houston River
Concordia	Cross Bayou
Catahoula	Bayou Louis
DeSoto	Bayou Pierre
East Carroll/West Carroll	Bayou Macon
Evangeline	Boggy Bayou
Evangeline/Acadia	Bayou des Cannes
Franklin	Deer Creek
Iberia	Bayou Teche
Iberville	Bayou Grosse Tete
Iberville	Bayou Tigre
Iberville/Assumption	Grand Bayou
Jeff Davis	Bayou Lacassine
Jeff Davis	Bayou Lacassine
Lafourche	Bayou Lafourche
Lafourche	Bayou Lafourche
Livingston/Tangipahoa	Natalbany River
Madison	Tensas River
Morehouse/West Carroll	Boeuf River
Natchitoches	Bayou Pierre
Natchitoches	Cane River
Pointe Coupee	Bayou Grosse Tete
Rapides	Bayou Rigolette
Rapides	Chatlin Lake Canal
Richland	Bee Bayou
St. Landry	Bayou Carron
St. Landry	Bayou Courtableu
St. Landry/Rapides	Spring Bayou
St. Martin	Bayou Cypremort
St. Martin	Bayou Portage
St. Martin	Bayou Teche
St. Martin	Bayou Tortue
Tangipahoa	Tangipahoa River
Tensas	Lake Bruin
Terrebonne	Bayou Terrebonne
Vermilion	Bayou Que de Tortue

Table 2 - Analytical Parameters

<u>Crop</u>	<u>Pesticide</u>
Sugarcane	Azinphos methyl Asana Treflan Sencor, Lexone Sinbar Asulox
Rice	Furadan Methyl Parathion Stam/Stampede Ordram Bolero 2-4D
Cotton	Karate, Baythroid, Asana Methyl Parathion Temik Curacron Bidrin Monitor Treflan Prowl Zorial Cotoran Arsonate/Bueno Fusilade Poast
Soybeans	Ambush, Pounce Lannate Larvin Methyl Parathion Dual Lasso Sencor, Lexone Goal Command

Sugarcane Monitoring Network

In August of 1991 an extensive monitoring network for pesticides was established in the sugarcane areas of the state. Figure 3 shows the sampling sites utilized in this program and these same sites will continue to be utilized for the coming season.

A summary of this program is as follows:

Site Selection: Forty-three (43) sites as shown in Figure 3. These sites represent all the major drainage areas in the sugarcane production areas in Louisiana.

Sampling Schedule: Samples will be collected on a biweekly schedule from June 1 through September 15. A total of eight samples per station will be analyzed.

Analytical Parameters: Samples will be analyzed for the pesticides asana, azinphos-methyl and any others as applicable that may be used on the cane during the season.

Follow-up

Figure 4 indicates actions to be taken as follow-up depending on the sampling results.

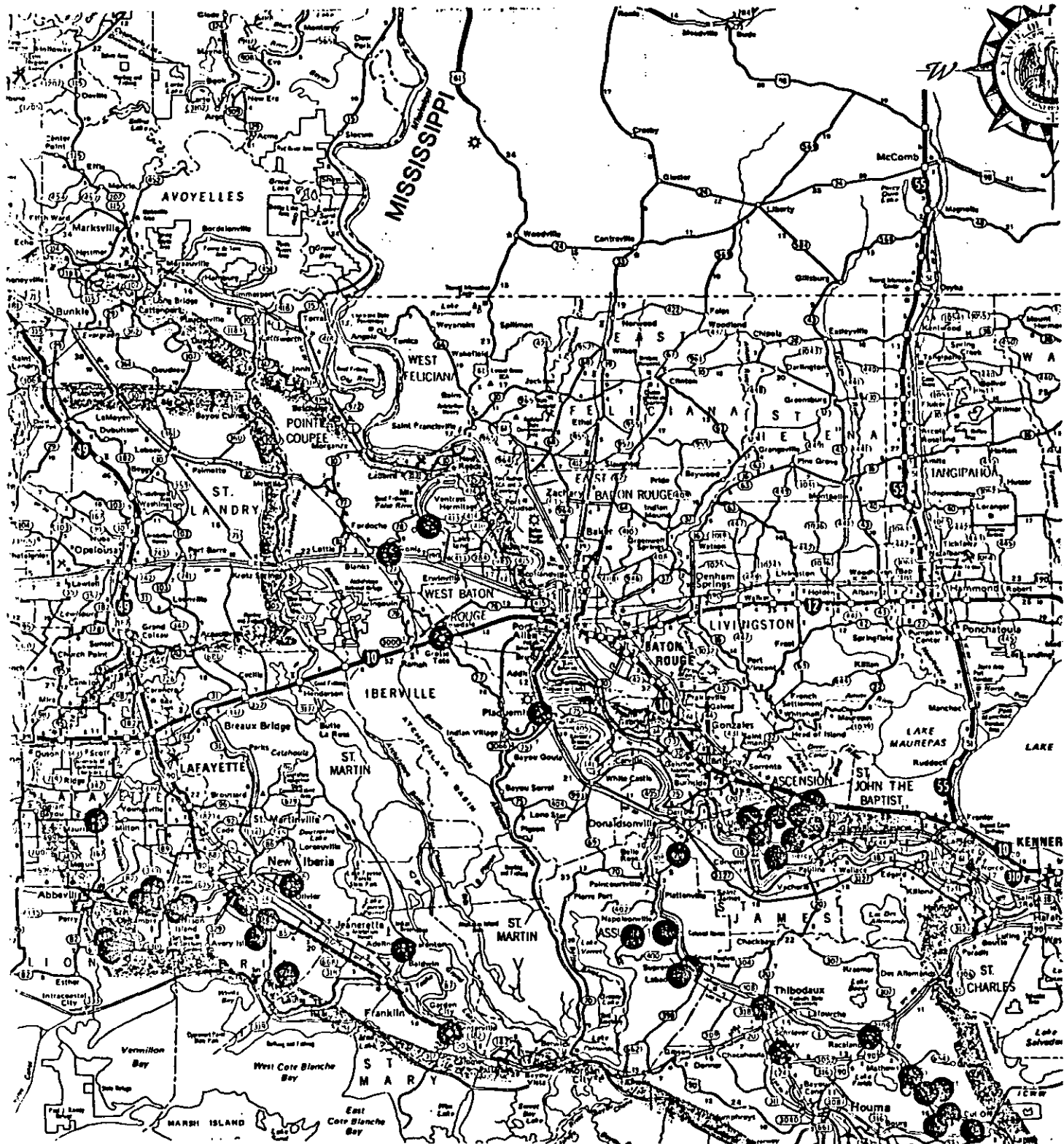


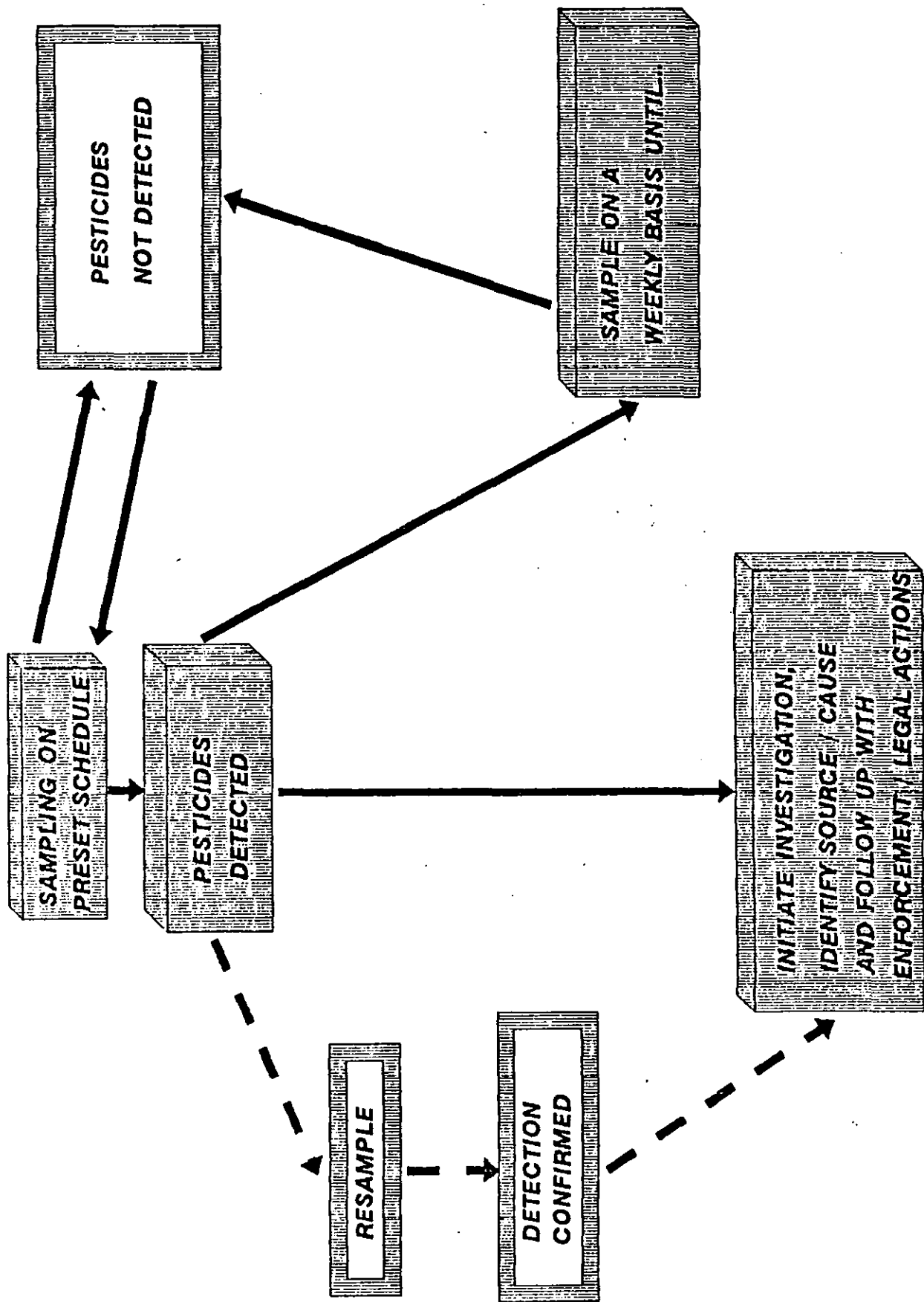
FIGURE 3 - SUGARCANE MONITORING SITES

1991 Estimated Sugarcane Acreage by Parish

Ascension	15,000	Rapides	2,000
Assumption	37,000	St. Charles	2,000
Avoynes	5,000	St. James	24,000
"	55,000	St. John	7,000
Berwick	25,000	St. Martin	30,000
Lafayette	7,000	St. Mary	45,000
Lafourche	34,000	Terrebonne	10,000
Pointe Coupee	11,000	Vermilion	15,000
		West Baton Rouge	10,000

FIGURE 4

WATER MONITORING SCHEME



Item # 7

RESOLUTION

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

December 9, 1991

Baton Rouge, Louisiana

WHEREAS, R.S. 56:497 provides the open shrimp seasons for all or part or the state waters shall be fixed by the Commission, and

WHEREAS, R.S. 56:497 provides the Commission shall have the authority to set special shrimp seasons for all or part of the state waters and,

THEREFORE BE IT RESOLVED, the shrimp season in the portion of Louisiana offshore territorial waters from the Mississippi state line to South Pass of the Mississippi River, and in the portion of Louisiana offshore territorial waters from the eastern shore of Whiskey Pass in Terrebonne Parish to the western shore of Vermilion Bay will close on 12:01 a.m. January 1, 1992 and

BE IT FURTHER RESOLVED, the Secretary of the Department is authorized to close the offshore shrimp season in part or all of those parts of the State territorial waters in Zones II and III remaining open, if enforcement problems arise or if biological data indicates the need to do so, and

BE IT FURTHER RESOLVED, the Secretary of the Department is authorized to set special pink shrimp seasons or special white shrimp seasons if technical data indicates sufficient quantities of marketable shrimp are available.

Jimmy Jenkins,
Chairman

A. Kell McInnis III,
Acting Secretary

Declaration of Emergency
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission.

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedures Act, R.S. 49:967 which allows the Commission to use emergency procedures to set shrimp seasons, and R.S. 56:497, the Wildlife and Fisheries Commission adopts the following rule relative to shrimp seasons:

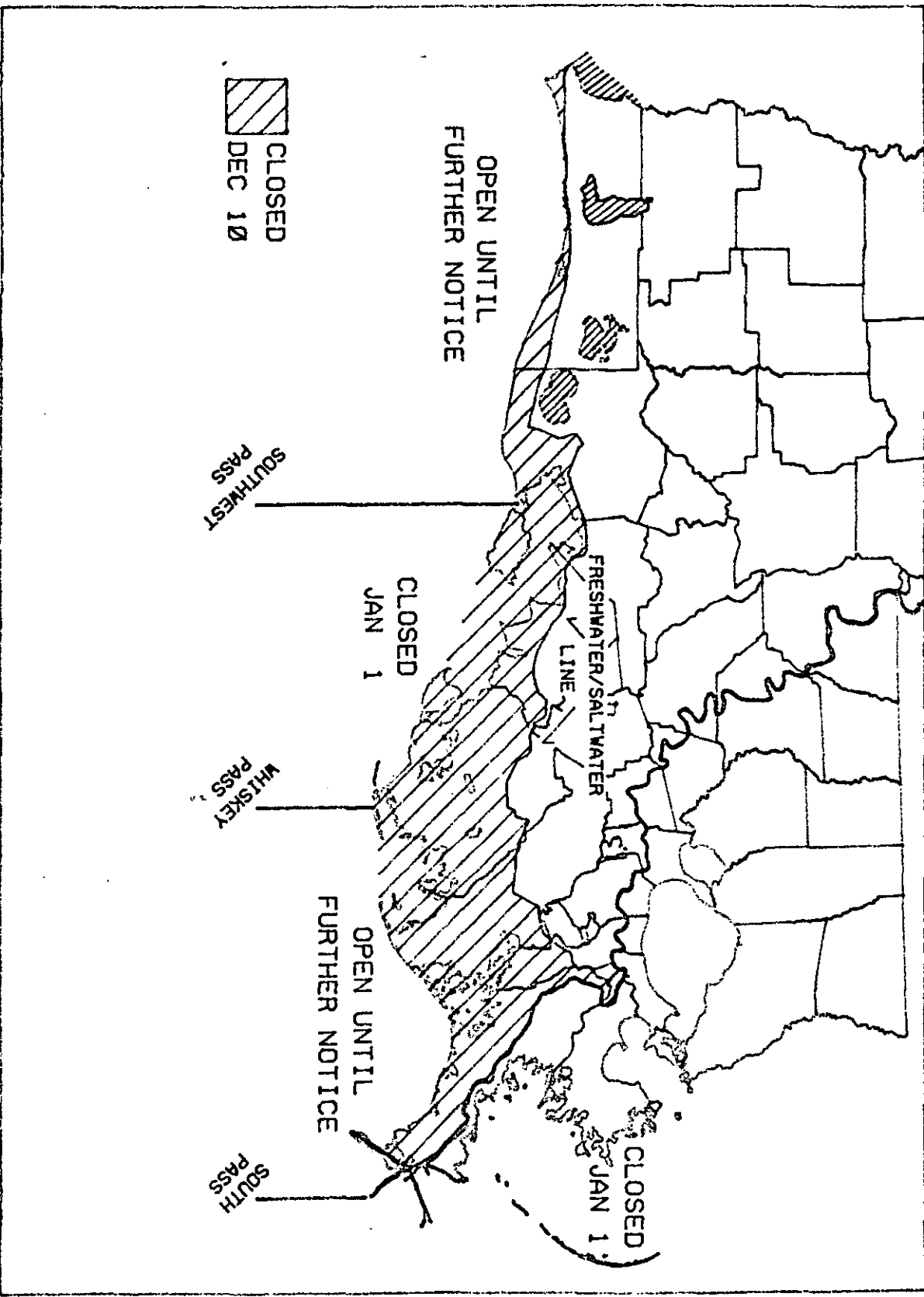
RULE

The shrimp season in the portion of Louisiana offshore territorial waters from the Mississippi state line to South Pass of the Mississippi River, and in the portion of Louisiana offshore territorial waters from the eastern shore of Whiskey Pass in Terrebonne Parish to the western shore of Vermilion Bay will close on 12:01 a.m. January 1, 1992 and

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James A. Jenkins,
Chairman



CLOSED
DEC 10

OPEN UNTIL
FURTHER NOTICE

SOUTHWEST
PASS

CLOSED
JAN 1

FRESHWATER/SALTWATER
LINE

WHISKY
PASS

OPEN UNTIL
FURTHER NOTICE

SOUTH
PASS

CLOSED
JAN 1

139139

DATE

Dec 8, 1991

CUSTOMER'S ORDER NO.

SOLD TO:

R. A. Jesso Brokerage

ADDRESS

598 Bayview Ave.

SHIP TO:

Biloxi, Miss.

39530

ADDRESS

Ph: (601) 374-7200

SOLD BY	CASH	COD	CHARGE	ON ACCT.	SHIP VIA	MDSE. RET'D.	PAID OUT
					<input type="checkbox"/> PREPAID <input type="checkbox"/> COLLECT		\$

	QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	2705 #	21-25	2.15	5815.75
2	2600 #	26-30	2.05	5330.00
3	59 #	60-70	1.35	79.65
4	2284 #	80-100	.95	2169.80
5	4747 #	S.B.	.55	2610.85
6	911 #	S.B.M.	.75	683.25
7	13306 #		\$1	16,689.30
8				
9				
10		Paid CK #		
11		6300		
12		Rag & Bone Jr		
13				
14				

All claims and returned goods MUST be accompanied by this bill.

RECEIVED

BY Bob Martin DELIVERED BY

Shrimp

"Golden Meadow"

- | | | |
|----------------------|----------|----------------|
| ① Stevie Sea Seafood | "Closed" | (504) 475-7615 |
| ② Seafood Shed | | (504) 475-6252 |

"Greenville"

- | | | |
|----------------------|----------|----------------|
| ① Ray's Shrimp Co. | | (504) 396-2715 |
| ② Greenville Seafood | "Closed" | (504) 396-2228 |
| ③ La. Longline | | (504) 396-2624 |
| ④ Whiffen's Seafood | | (504) 396-2453 |
| ⑤ Romeo Seafood | | (504) 396-2460 |
| ⑥ Bull's Seafood | | (504) 396-2422 |
| ⑦ Gulf Tide Seafood | | (504) 396-2855 |
| ⑧ Fouchon Seafood | | (504) 396-2565 |

"Grand Isle"

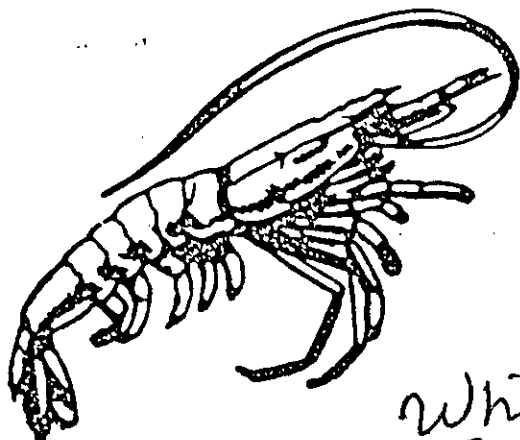
- | | | |
|----------------------------|----------|----------------|
| ① Bobby Collins Seafood | | (504) 787-2244 |
| ② Wayne Estay Shrimp Co. | | (504) 787-2166 |
| ③ Cheramie's Wharf | "Closed" | (504) 787-2211 |
| ④ Dean Blanchard Seafood | | (504) 787-3464 |
| ⑤ Collins Brothers Seafood | | (504) 787-2500 |

Friday and Saturday Production
a class of 159672[#]

"Freezers"

- | | |
|----------------------------|----------------|
| ① Thomas Sea Seafood | (504) 396-2636 |
| ② Hubert Lafont Shrimp Co. | (504) 475-7479 |
| ③ Gulf Shrimp | (504) 475-5738 |

\$.30 to \$.70 Per Pound Lbss.
These Shrimp Companies "donot" buy
head on Shrimp.



DEAN BLANCHARD SEAFOOD, INC.
P.O. BOX 1
GRAND ISLE, LA. 70358

5 hit



White Tail
Price

Description	Price	Quantity	Dollar Value
WHITE			
U/10	1990 Price	1991 Price	Diff.
U/12	9.45	8.10	-1.35
10/15	6.50	6.35	-.15
16/20	5.95	4.90	-1.05
21/25	5.40	3.90	-1.50
26/30	4.45	3.65	-.80
31/35	3.75	3.20	-.55
36/40	3.45	3.00	-.45
40/50	3.05	2.70	-.35
50/60	2.85	2.30	-.55
60/70	2.65	2.00	-.65
70/80	2.15	1.75	-.40
80 & over	1.85	1.10	-.75

Average Down 71.25¢
Total _____ 1b _____

PHONE GRAND ISLE, LA. 787-3464

DEAN BLANCHARD SEAFOOD, INC.

P.O. BOX 1
GRAND ISLE, LA. 70358
Shrimp Purchase

Date 11-22-91

BOAT M. V. Miss Nicole

POUNDS		@	AMOUNT
5085 #	1991 Price 21/25 Dark White	390	19831.50
	1990 Price		
5085 #		5.40	27459.00
	Difference	-	7627.50

NOTICE OF INTENT

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses its intent to amend and adopt rules and regulations pertaining to seismic operations and the use of airgun surveys on designated red lined oyster grounds belonging to the state of Louisiana.

TITLE 76

WILDLIFE AND FISHERIES

PART I. WILDLIFE AND FISHERIES COMMISSION AND

AGENCIES THEREUNDER

Chapter 3. Special Powers and Duties

Subchapter A. Seismic Exploration

301. Regulation

The proposed amendment is as follows:

AG. Seismic operators making application to work on any designated red lined oyster seed ground belonging to the state of Louisiana will be required to pay the following fees in addition to the supervisory fees: \$100 per drilled shot hole or \$1000 per linear mile, whichever is greater, for reflective or refractive cable. For airguns only, the following fees apply: \$1000 per linear mile in water depths less than or equal to five feet; \$ 400 per linear mile in water depths greater than five feet and less than or equal to 10 feet deep; \$ 200 per linear mile in water depths greater than 10 feet; OR, for 3D airgun surveys: \$ 25000 per square mile in water depths less than or equal to five feet;

\$ 10000 per square mile in water depths greater than five feet and less than or equal to 10 feet deep; \$ 5000 per square mile in water depths greater than 10 feet.

All of these fees are to be paid in advance. All fees will be reviewed each January.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:214 and R.S. 36: 609.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:300 (August 1978), amended LR 10:410 (May 1984), LR 13:115 (February 1987), amended LR 18: (1992).

Interested persons may submit written comments on the proposed rule to the following address before February 14, 1992: Karen Foote, Administrator, Fisheries Research Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

James H. Jenkins, Jr.
Chairman

RULE
DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

TITLE 76
WILDLIFE AND FISHERIES
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James H.Jenkins, Jr.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person

Preparing

Statement: Bettsie Baker Dept: Wildlife and Fisheries

Phone: 765-2860 Office: Secretary

Return

Address: P.O. Box 98000 Rule
Baton Rouge, LA Title: Airgun fee schedule for seismic
70898-9000 Date Rule exploration in oyster red line area
Takes Effect: _____

SUMMARY

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. The following summary statements, based on the attached worksheets, will be published in the Louisiana Register with the proposed agency rule.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no new costs to state or local governmental units. All activities will be maintained by the existing Louisiana Department of Wildlife and Fisheries staff.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have a slight positive impact on revenue collections of state or local governments. The proposed rates are in addition to the existing dynamite rates and are created to provide comparability for this alternative seismic energy source. The result is that revenues from dynamite activity will decrease, while revenues from airgun activity will increase. It is expected that new 2D airgun revenue will closely approximate that revenue given up from dynamite seismic activity; thus resulting in no impact to revenue. However; we expect only (1 or 2) (one or two) 3D surveys in the oyster red line per year which will result in increased revenue of approximately \$100,000 per year based on the proposed rate schedule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rates establish fees to be charged for airgun seismic activity rather than the existing dynamite fee schedule currently used which is uneconomic for air gun use. These 2D airgun rates are based on comparable to the existing dynamite rates, the 3D rates are slightly higher than the dynamite rate, which if not put in place would result in non participation by the industry. Thus, the rates provide a substitution rate for this alternative technology.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be a slight positive impact on competition or employment, this simply substitutes 2D airgun use for dynamite use for seismic energy sources and provides comparable rates while providing a new rate schedule for 3D rates. 3D Seismic activity will result in enhanced information over 2D surveys. It is expected that the improved information will result in enhanced exploration and recovery of mineral resources, thus enhancing employment levels modestly. This impact is impossible to predict or estimate since it is still relatively experimental.

Bettsie Baker
Signature of Agency Head or Designee

LEGISLATIVE FISCAL OFFICER OR
DESIGNEE

BETTSIE BAKER, UNDERSECRETARY
Typed Name and Title of Agency Head or Designee

Dec 9, 1991
Date of Signature

Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of the rule change, copies of both the current and proposed rules with amended portions indicated).

The rules provide an alternative fee schedule for the use of 2D and 3D airgun energy sources for seismic activity.

- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

Airguns, as a source of energy for seismic activity are becoming the industry standard, thus rates must be established to reflect this technological change. The rate schedule incorporates both 2D and 3D seismic rates.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in expenditure of funds? If so, specify amount and source of funding.

The rule will not result in any increase of expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) _____ No. If no, provide justification as to why this rule change should be published at this time.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

There will be no increase in costs to implement the proposed rules.

COSTS	FY 91-92	FY 92-93	FY 93-94
PERSONAL SERVICES	- 0 -	- 0 -	- 0 -
OPERATING EXPENSES	- 0 -	- 0 -	- 0 -
PROFESSIONAL SERVICES	- 0 -	- 0 -	- 0 -
OTHER CHARGES	- 0 -	- 0 -	- 0 -
EQUIPMENT	- 0 -	- 0 -	- 0 -
TOTAL	- 0 -	- 0 -	- 0 -
MAJOR REPAIRS AND CONSTR	- 0 -	- 0 -	- 0 -
POSITIONS (#)	- 0 -	- 0 -	- 0 -

2. Provide a narrative explanation of the costs or savings showing in "A.1.", including the increase or reduction in workload or additional paperwork (number on new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There are no costs or savings, this is simply a parallel fee schedule.

3. Sources of funding for implementing the proposed rule or change.

SOURCE	FY 91-92	FY 92-93	FY 93-94
STATE GENERAL FUND	- 0 -	- 0 -	- 0 -
AGENCY SELF-GENERATED	- 0 -	- 0 -	- 0 -
DEDICATED*	- 0 -	- 0 -	- 0 -
FEDERAL FUNDS	- 0 -	- 0 -	- 0 -
OTHER (Specify)	- 0 -	- 0 -	- 0 -
TOTAL	- 0 -	- 0 -	- 0 -

* Conservation Fund

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Since there are no costs associated with this rule, the department can implement these changes.

B. COSTS OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The proposed rule change will have no impact on the workload of local governmental units.

2. Indicate the sources of funding of the local governmental units which will be affected by these costs or savings.

Since there are no impacts to local governmental units no funds are required.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATION RULES

WORKSHEET

II. EFFECT OF REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

<u>REVENUE INCREASE/DECREASE</u>	<u>FY 91-92</u>	<u>FY 92-93</u>	<u>FY 93-94</u>
STATE GENERAL FUND	- 0 -	- 0 -	- 0 -
AGENCY SELF-GENERATED	- 0 -	- 0 -	- 0 -
RESTRICTED FUNDS*	100,000	100,000	100,000
FEDERAL FUNDS	- 0 -	- 0 -	- 0 -
<u>LOCAL FUNDS</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>
<u>TOTAL</u>	<u>- 0 -</u>	<u>- 0 -</u>	<u>- 0 -</u>

* Specify the particular fund being impacted.

Conservation Fund

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The impact to revenue is a result of 3D survey rates. It is expected that 1 to 2 new surveys will be conducted per year, thus increasing revenue to the Department. The 2D rates; however, are simply a substitution for the existing dynamite rate. Since these 2D rates are parallel rates to the dynamite fee schedule, there will be no impacts on revenue or collections to local governmental units as a result of 2D rates.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONNEL OR NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

Individuals involved in seismic exploration are the parties affected; however, there is only modest cost to them as a result of this change, since these rates are designed to parallel existing rates for dynamite, yet substituting the airgun energy source and appropriate linear measurements.

The increase in cost is the result of new surveys being conducted since the activity is only allowed currently under a disadvantageous rate.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The impact to seismic companies/oil companies is the promise of enhanced mineral revenue as a result of better seismic data; however, these impacts are in the future and impossible to predict.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The impact on competition and employment is to keep employment in that sector stable as a result of implementing new techniques to provide their services.

#10

ENFORCEMENT CASE REPORT

NOVEMBER, 1991

ENFORCEMENT CASE REPORT-NOVEMBER 1991

REGION I

TOTAL CASES-215

ENFORCEMENT-197

OTHER - 18

4-Boating

3-Angling W/O A License

1-Fish W/O Resident Pole Lic.

12-Hunting W/O Resident Lic.

4-Hunting W/O Non-Resident Lic.

25-Hunting From Moving Vehicle And/Or Aircraft

3-Hunting W/Unplugged Gun Or Silencer

3-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

14-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

3-Hunt MGB W/O State Stamp

14-Hunt W/O Resident Big Game Lic.

4-Hunt W/O Non-Resident Big Game Lic.

1-Hunt Or Take Deer Or Bear Closed Season

22-Hunt Or Take Deer Or Bear Illegal Hours

10-Hunt Or Take Deer From Public Road

8-Hunt Or Take Illegal Deer Open Season

2-Possess Over Limit Of Deer Or Bear

1-Possession Of Illegally Taken Deer Or Bear

2-Possession Of Untagged Deer Or Bear

8-Fail To Wear Hunters Orange

2-Take Non-Game Quadrupeds C/S

1-Hunting Ducks Or Geese W/O Federal Stamp

1-Hunting MGB From Moving Motorboat

REGION I CONT'D.

1-Taking Herons-No Season

32-Not Abiding By Rules And Regs. On WMA

1-Aggravated Assault On An Officer

1-Possession Of Illegal Type Firearm

4-Criminal Trespass

1-Operating Vehicle While Intoxicated

2-Illegal Spotlighting From Public Road

1-Littering

10-Operate ATV Vehicle On Public Road

4-Flight From An Officer

1-Reckless Operation Of A Vehicle

CONFISCATIONS:

22 guns, 9 deer, 1 widgeon, 1 woodduck, 1-1987 Ford Mustang, 1-1986 Cutlass, 2 bobcats, 1 blue heron, 4 spotlights, 2 bags of deer meat.

REGION 2

TOTAL CASES-164

ENFORCEMENT-164

OTHER - 0

10-Boating

1-Angling W/O A Lic.

2-Fish W/O Resident Pole Lic.

13-Hunting W/O Resident Lic.

1-Hunting W/O Non-Res. Lic.

2-Hunting From Moving Vehicle And/Or Aircraft

4-Hunting W/Unplugged Gun Or Silencer

1-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

REGION 2 CONT'D.

3-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

16-Hunt W/O Resident Big Game Lic.

1-Hunt W/O Non-Res. Big Game Lic.

3-Hunt Deer Closed Area

1-Running Deer Dogs During Still Hunt Season

3-Hunt Or Take Deer Or Bear Illegal Hours

1-Hunt Or Take Deer From Public Road

2-Take Illegal Deer Open Season

1-Possession Of Illegally Taken Deer Or Bear

6-Fail To Wear Hunters Orange

1-Hunting With Unsigned Duck Stamp

75-Not Abiding By Rules And Regs. On WMA

1-Resisting Arrest

7-Criminal Trespass

2-Operating Vehicle While Intoxicated

2-Illegal Spotlighting From Public Road

1-Littering

4-Other Than Wildlife And Fisheries

1-Trespass On Property After Forbidden

1-Poss. Of Firearm Of Convicted Felon

CONFISCATIONS:

7 guns, 9 deer, 1 duck stamp, 54 crappie, 1 drivers license, 2 hunting license.

REGION 3

TOTAL CASES-183

ENFORCEMENT-145

OTHER - 38

7-Boating

3-Angling W/O a License

1-Use Illegal Length/Mesh Nets-Freshwater

3-Hunting W/O Resident Lic.

1-Hunting From Moving Vehicle And/Or Aircraft

2-Hunting W/Unplugged Gun Or Silencer

1-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

4-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

4-Hunt MGB W/O State Stamp

1-Take And/Or Possess O/L Of Squirrel

5-Hunt W/O Resident Big Game Lic.

2-Hunt W/O Non-Res. Big Game Lic.

3-Hunt Deer Closed Area

5-Running Deer Dogs During Still Hunt Season

1-Hunt Or Take Deer Or Bear Closed Season

2-Hunt Or Take Deer Or Bear Illegal Hours

2-Hunt Or Take Deer From Public Road

7-Take Illegal Deer Open Season

1-Possession Of Illegally Taken Deer Or Bear

29-Possession Of Untagged Deer Or Bear

6-Field Poss. Of Deer Meat W/O Tag

3-Fail To Maintain Sex Identification

11-Fail To Wear Hunters Orange

REGION 3 CONT'D.

- 2-Take Non-Game Quadrupeds Illegally
- 6-Hunting Ducks Or Geese W/O Federal Stamp
- 1-Hunting With Unsigned Duck Stamp
- 6-Hunting MGB Illegal Hours
- 2-Hunting MGB With Illegal Firearm
- 10-Using Lead Shot In Area Designated As Steel Shot Only
- 4-Possess Over Limit Of Ducks
- 2-Hunting Woodcocks Closed Season
- 36-Not Abiding By Rules And Regs. On WMA
- 1-Operating Vehicle While Intoxicated
- 1-Illegal Spotlighting From Public Road
- 1-Littering
- 1-Other Than Wildlife And Fisheries
- 1-Poss. Of Firearm Of Convicted Felon
- 4-Operate ATV Vehicle On Public Road
- 1-Driving Without Operators License

CONFISCATIONS:

3 guns, 1 deer feeder, 3-2 1/2 inch gill nets, 1200 lbs. of deer meat, 4 deer, 1 squirrel, 2 foxes, 30 ducks.

REGION4

TOTAL CASES-98

ENFORCEMENT-63

OTHER -35

- 4-Boating
- 3-Angling W/O A Lic.
- 2-Fish W/O Resident Pole Lic.
- 10-Hunting W/O Resident Lic.

REGION 4 CONT'D.

- 10-Hunting From Moving Vehicle And/Or Aircraft
- 2-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours
- 3-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way
- 3-Hunt MGB W/O State Stamp
- 2-Hunt W/O Resident Big Game Lic.
- 3-Hunt Deer Closed Area
- 2-Hunt Or Take Deer Or Bear Closed Season
- 3-Hunt Or Take Deer Or Bear Illegal Hours
- 3-Hunt Or Take Deer From Public Road
- 3-Hunt Or Take Illegal Deer Open Season
- 1-Possession Of Illegally Taken Deer Or Bear
- 3-Hunt Raccoons Or Opossums Illegally
- 2-Hunting Ducks Or Geese W/O Federal Stamp
- 1-Hunting MGB With Unplugged Gun
- 4-Hunting MGB Blegal Hours
- 2-Using Lead Shot In Area Designated As Steel Shot Only
- 2-Hunting Ducks Closed Season
- 8-Possess Over Limit Of Ducks
- 18-Not Abiding By Rules And Regs. On WMA
- 1-Blegal Possession Of Drugs Or Marijuana
- 3-Operate ATV Vehicle On Public Road

CONFISCATIONS:

30 ducks, 2 coons, 5 deer, 9 guns, 1 duck stamp, 1 marijuana cigarette.

REGION 5

TOTAL CASES-243

ENFORCEMENT-220

OTHER - 23

10-Boating

8-Angling W/O A Lic.

2-Poss. O/L Of Red Drum

5-Take Or Poss. Undersized Red Drum

4-Take Or Poss. Undersized Black Drum

2-Take Or Poss. O/L Black Drum

3-Take Or Sell Commercial Fish Or Bait Species W/O Comm. Lic.

3-Take Commercial Fish W/O Comm. Gear Lic.

4-Take Or Poss. Commercial Fish W/O Vessel Lic.

2-Leave Nets Unattended

2-Allow Another To Use Commercial License

4-Take/Possess Oysters W/O Oyster Harvester Lic.

1-Use Illegal Length/Mesh Nets-Freshwater

1-Failure To Mark/Tag Nets

3-Take Or Possess Undersize White Shrimp

2-Take Undersize Oysters From Natural Reef

1-Fail To Mark Oyster Lease While Harvesting

1-Failure To Tag Sacked Or Containerized Oysters

2-Harvest Oysters W/O Oyster Harvester License

13-Hunting W/O Resident Lic.

1-Possess Wild Birds Or Wild Quadrupeds W/O A Lic.

10-Hunting From Moving Vehicle And/Or Aircraft

REGION 5 CONT'D.

4-Hunting W/Unplugged Gun Or Silencer

9-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

9-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

7-Hunt MGB W/O State Stamp

1-Hunt W/O Resident Big Game Lic.

2-Hunt Or Take Deer Or Bear Illegal Hours

5-Field Poss. Of Deer Meat W/O Tag

5-Hunt Raccoons Or Opossums Illegally

9-Hunting Ducks Or Geese W/O Federal Stamp

1-Hunting MGB With Unplugged Gun

16-Hunting MGB Illegal Hours

9-Possess Untagged MGB

2-Transport Completely Dressed MGB

1-Field Possession Of Freshly Killed MGB Closed Season

3-Wanton Waste Of MGB

12-Using Lead Shot In Area Designated As Steel Shot Only

1-Transport Illegally Taken MGB

14-Possess Over Limit Of Ducks

50-Not Abiding By Rules And Regs. On WMA

1-Other Than Wildlife And Fisheries

1-Criminal Mischief

CONFISCATIONS:

75 ducks, 10 white fronted geese, 3 canadian geese, 4 rabbits, 46 sacks of oysters, 2400 feet of gill net, 1,558 lbs of shrimp sold for \$395.40, 34 red drum, 35 black drum, 2 deer, 7 guns, 1 squirrel, 1-11 feet of cast net.

REGION 6

TOTAL CASES-121

ENFORCEMENT-111

OTHER - 10

28-Boating

13-Angling W/O A Lic.

3-Fish W/O Resident Pole Lic.

1-Not Abiding By Commission Rules And Regs.

1-Illegal Shipping Of Commercial Fish Shipping Regs., Tags & Identification

5-Possess Or Sell Undersized Crabs

14-Hunting W/O Resident Lic.

1-Possess Wild Birds Or Wild Quadrupeds W/O A Lic.

1-Hunting W/O Non-Resident Lic.

4-Hunting From Moving Vehicle And/Or Aircraft

7-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

4-Hunt Or Discharge Firearm From Levee Road

1-Hunt MGB W/O State Stamp

2-Poss. Of Buckshot During Closed Deer Season

1-Hunt W/O Resident Big Game Lic.

2-Hunt Or Take Deer Or Bear Illegal Hours

1-Take Illegal Deer Open Season

1-Hunt Or Take Deer Or Bear W/Illegal Weapon

1-Hunt/Trap On DMAP Lands W/O Permit From Owner/Lessee

1-Possess Quail Closed Season

1-Hunting Ducks Or Geese W/O Federal Stamp

1-Hunting MGB With Unplugged Gun

1-Hunting MGB Illegal Hours

REGION 6 CONT'D.

2-Hunting MGB From Moving Motorboat

1-Field Possession Of Freshly Killed MGB Closed Season

7-Using Lead Shot In Area Designated As Steel Shot Only

2-Hunting Coots Closed Season

2-Hunting Ducks Closed Season

2-Hunting Woodcocks Closed Season

7-Not Abiding By Rules And Regs. On WMA

1-Littering

2-Other Than Wildlife And Fisheries

CONFISCATIONS:

5 coots, 2 scaups, 971 lbs. of crabs sold for \$145.65, 6 ducks, 1 rabbit, 10 guns, 1 quail, 1 doe deer, 1 buck deer, 1 woodduck, 1 Ford Pickup Truck, 1 hunting knife.

REGION 7

TOTAL CASES-238

ENFORCEMENT-238

OTHER CASES- 0

14-Boating

11-Angling W/O A Lic.

4-Fish W/O Resident Pole Lic.

6-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's Lic.

2-Fail To Maintain Records

1-Take Or Possess Undersize Commercial Fish

20-Hunting W/O Resident Lic.

4-Hunting W/O Non-Resident Lic.

1-Bow Hunt W/O Bow Lic.

3-Failure To Abide By Commission Rules

REGION 7 CONT'D.

- 25-Hunting From Moving Vehicle And/Or Aircraft**
- 4-Hunting W/Unplugged Gun Or Silencer**
- 1-Buying And/Or Selling Wild Quadrupeds Or Wild Birds**
- 11-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours**
- 11-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way**
- 1-Possession Of Wild Quadrupeds Or Wild Birds W/O Permit**
- 3-Hunt MGB W/O State Stamp**
- 2-Poss. Of Buckshot During Closed Deer Season**
- 4-Hunt W/O Resident Big Game Lic.**
- 1-Hunt W/O Non-Resident Big Game Lic.**
- 7-Running Deer Dogs During Still Hunt Season**
- 1-Hunt Or Take Deer Or Bear Closed Season**
- 10-Hunt Or Take Deer Or Bear Illegal Hours**
- 6-Hunt Deer Illegal Means During Bow Season**
- 14-Hunt Or Take Deer From Public Road**
- 3-Take Illegal Deer Open Season**
- 2-Possess Over Limit Of Deer Or Bear**
- 4-Possession Of Illegally Taken Deer Or Bear**
- 1-Field Poss. Of Deer Meat W/O Tag**
- 1-Fail To Maintain Sex Identification**
- 3-Fail To Wear Hunters Orange**
- 1-Take/Possess Spotted Fawn**
- 3-Hunting Ducks Or Geese W/O Federal Stamp**
- 2-Hunting With Unsigned Duck Stamp**
- 4-Hunting MGB Illegal Hours**

REGION 7 CONT'D.

4-Transport Completely Dressed MGB

10-Using Lead Shot In Area Designated As Steel Shot Only

1-Possess Over Limit Of Coots

1-Hunting Ducks Closed Season

2-Possess Over Limit Of Ducks

3-Not Abiding By Rules And Regs. On WMA

2-Criminal Trespass On State Property

8-Criminal Trespass

6-Theft Of State Property

2-Littering

4-Other Than Wildlife And Fisheries

1-Violation Of Probation Or License Revocation

2-Illegal Use Of Firearm

1-Flight From An Officer

CONFISCATIONS:

21 guns, 1 bow, 13 deer, 1 rabbit, 8 woodducks, 50 ducks, 7 squirrels.

REGION 8

TOTAL CASES-356

ENFORCEMENT-292

OTHER - 64

21-Boating

47-Angling W/O A Lic.

11-Angling W/O Saltwater Lic.

4-Taking/Poss. Over Limit Or Undersized Freshwater Gamefish

7-Poss. O/L Of Red Drum

24-Take Or Poss. Undersized Red Drum

REGION 8 CONT'D.

3-Take Or Poss. Undersized Spotted Sea Trout

5-Take Or Poss. Undersized Black Drum

4-Poss. O/L Spotted Sea Trout

23-Take Or Poss. O/L Black Drum

3-Not Abiding By Commission Rules-Finfish

3-Fail To Have Commercial Lic. In Poss.

8-Take Or Sell Commercial Fish Or Bait Species

3-Take Commercial Fish W/O Comm. Gear Lic.

5-Take Or Poss. Commercial Fish W/O Vessel Lic.

1-Fail To Maintain Records

5-Leave Nets Unattended

1-Blocking Passage Of Fish

2-Allow Another To Use Commercial License

3-Permit Unlicensed Person To Operate Commercial Vessel

3-Permit Unlicensed Person To Use Commercial Gear

4-Take/Possess Oysters W/O Oyster Harvester Lic.

3-Failure To Mark/Tag Nets

2-Take/Possess Undersized Black Drum Commercial

2-Transport W/O Required Lic.

7-Taking Oysters From Unapproved Area (Polluted)

6-Unlawfully Take Oysters Off A Private Lease

7-Take Undersize Oysters From Natural Reef

3-Take Oysters Closed Season

1-Failure To Hold Oyster Tags For Sixty Days

2-Possession Of Untagged Oysters

REGION 8 CONT'D.

- 1-Harvest Oysters W/O Oyster Harvester License
- 8-Hunting W/O Resident Lic.
- 6-Possess Wild Birds Or Wild Quadrupeds W/O A Lic.
- 4-Failure To Abide By Commission Rules
- 11-Hunting From Moving Vehicle And/Or Aircraft
- 3-Hunting W/Unplugged Gun Or Silencer
- 20-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours
- 14-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way
- 2-Hunt Or Discharge Firearm From Levee Road
- 9-Hunt MGB W/O State Stamp
- 1-Take Rabbits Illegal Methods
- 2-Fail To Wear Hunters Orange
- 2-Hunt Raccoons Or Opossums Illegally
- 2-Hunting Ducks Or Geese W/O Federal Stamp
- 2-Field Possession Of Freshly Killed MGB Closed Season
- 2-Transport Illegally Taken MGB
- 5-Hunting MGB With Unplugged Gun
- 1-Hunting MGB Illegal Hours
- 2-Hunting MGB From A Vehicle
- 7-Hunting MGB From Moving Motorboat
- 5-Wanton Waste OF MGB
- 9-Using Lead Shot In Area Designated As Steel Shot Only
- 2-Transport Illegally Taken MGB

REGION 8 CONT'D.

4-Hunting Coots Closed Season

6-Hunting Ducks Closed Season

7-Possess Overlimit Of Ducks

1-Hunt MGB Without State Stamp

8-Not Abiding By Rules And Regs. On WMA

2-Criminal Trespass

1-Littering

4-Other Than Wildlife And Fisheries

1-Criminal Trespass On Crawfish Ponds

4-Possess/Take Undersize Federal Controlled Fish

2-Driving Without Operators License

1-Violation Of Mullet Regs.

CONFISCATIONS:

7 unattended gill nets at 2200 feet, 2-45 foot trawls, 3 oyster dredges, 2 licenses, 7 guns, 154 sacks of oysters, 11 red drum, 260 pounds of crabs, 80 red drum, 151 speckled trout, 9 black drum, 71 black bass, 179 crappie, 7 red snapper, 25 rabbits, 3 raccoons, 44 ducks, 1101 lbs. of shrimp and fish sold for \$1,168.80.

REGION 9

TOTAL CASES-374

ENFORCEMENT-353

OTHER CASES- 21

21-Boating

27-Angling W/O A Lic.

23-Angling W/O A Saltwater Lic.

2-Taking/Poss. Over Limit Or Undersized Freshwater Gamefish

12-Poss. O/L Of Red Drum

REGION 9 CONT'D.

- 42-Take Or Poss. Undersized Red Drum
- 15-Take Or Poss. Undersized Spotted Sea Trout
- 13-Take Or Poss. Undersized Black Drum
- 4-Poss. O/L Spotted Sea Trout
- 2-Take Or Poss. O/L Black Drum
- 1-Take Or Poss. Commercial Fish W/O Vessel Lic.
- 1-Transport W/O Required Lic.
- 1-Take Or Poss. Undersize Commercial Fish
- 2-Blocking Passage Of Fish
- 1-Take/Possess Oysters W/O Oyster Harvester Lic.
- 3-Take Or Possess Undersize White Shrimp
- 5-Unlawfully Take Oysters From State Water Bottoms
- 5-Taking Oysters From Unapproved Area (Polluted)
- 5-Unlawfully Take Oysters Off A Private Lease
- 18-Hunting W/O Resident Lic.
- 2-Hunting W/O Non-Res. Lic.
- 13-Hunting From Moving Vehicle And/Or Aircraft
- 3-Hunting W/Unplugged Gun Or Silencer
- 15-Hunt Wild Quadrapeds And/Or Wild Birds Illegal Hours
- 2-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way
- 3-Hunt Or Discharge Firearm From Levee Road
- 1-Poss. Of Buckshot During Closed Deer Season
- 1-Take Rabbits Illegal Method
- 4-Hunt W/O Resident Big Game Lic.
- 2-Hunt Or Take Deer Or Bear Closed Season

REGION 9 CONT'D.

4-Hunt Or Take Deer Or Bear Illegal Hours

3-Hunt Deer Illegal Means During Bow Season

4-Hunt Or Take Deer From Public Road

3-Hunt Or Take Deer Or Bear W/Illegal Weapon

3-Possession Of Illegally Taken Deer Or Bear

4-Take Non-Game Quadrupeds C/S

2-Hunt MGB Without State Stamp

3-Not Abiding By Rules And Regs. On WMA

5-Hunting Ducks Or Geese W/O Federal Stamp

2-Hunting With Unsigned Duck Stamp

6-Hunting MGB With Unplugged Gun

11-Hunting MGB Illegal Hours

5-Hunting MGB From Moving Motorboat

2-Transport Completely Dressed MGB

6-Wanton Waste Of MGB

20-Using Lead Shot In Area Designated As Steel Shot Only

1-Hunting Doves Closed Season

5-Hunting Ducks Closed Season

8-Possess Over Limit Of Ducks

2-Possess Over Limit Of Gallinules

14-Criminal Trespass

5-Illegal Spotlighting

1-Littering

4-Other Than Wildlife And Fisheries

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REGION 9 CONT'D.

CONFISCATIONS:

191 ducks, 99 coots, 33 gallinules, 3 deer, 7 rabbits, 3 squirrels, 7 rail, 1 nutria, 33 1/2 sacks of oysters, 1818 lbs. of shrimp sold for \$972.60, 34 black bass, 200 red drum, 20 black drum, 151 sea trout, 17 weapons, 4 lights, 7 rabbit boxes.

OYSTER STRIKE FORCE

TOTAL CASES-68

1-Boating

7-Take Oysters From Unapproved Area (Polluted)

7-Take Undersize Oysters From Natural Reef

1-Violate Calcasieu Lake Regs.

4-Take Oysters Closed Season

1-Fail To Oyster Tags For 60 Days

2-Take Oysters From Unleased Water Bottom

5-Violate State Sanitation Code

2-Fail To Maintain Records

4-Have No Wholesale Retail License

1-Transport Without Required License

5-Take Oysters Without Harvester Lic.

3-Have No Commercial License

1-Have No Vessel License

1-Have No Gear License

2-Fail To Tag Nets

1-Take Undersize Black Drum

5-Take Undersize Red Drum

4-Take Undersize Sea Trout

1-Take Over Limit Of Sea Trout

4-Take Over Limit Of Red Drum

2-Hunting From A Moving Vehicle

1-Hunting With An Unplugged Gun

2-Hunt Wild Quadrupeds Illegal Hours

1-Hunting Without A License

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OYSTER STRIKE FORCE CONT'D.

CONFISCATIONS:

125 sacks of oysters, 3 boats, 2 dredges, 150 lbs. of shrimp, 43 red fish, 137 pounds of trout, 7 black drum.

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S.W.E.P.

DELTA TIDE AND RIP TIDE

ENGINE HOURS: 29

BOATS CHECKED:37

TOTAL CASES: 9

4-Take Undersize Oysters Off Of Natural Reef

1-Take Commercial Fish Without Commercial License

1-Possession Of Black Drum Without A Permit-Over 27 inches

1-Allow Another To Use Commercial License

1-Permit Unlicensed Person To Operate Commercial Vessel

1-Permit Unlicensed Person To Use Commercial Gear

CONFISCATIONS:

67 drum sold for \$201.00, 740 lbs. shrimp, 15 lbs of flounder, 59 lbs. of sheephead, all sold for \$692.80, 61 sacks of oysters, 2 trawls and 1 commercial license.

TOTAL CASES ENFORCEMENT-1762

TOTAL CASES OTHER DIV. - 209

TOTAL CASES OSF - 68

TOTAL CASES SWEP - 9

GRAND TOTAL - 2048

State of Louisiana



A. Kell McInnis III
Acting Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898
(504) 765-2800

Buddy Roemer
Governor

December 4, 1991

TO: All Commission Members

FROM: Donald E. Puckett

SUBJ: By-Laws Amendments

Attached hereto, please find a copy of the Commission's By-Laws with the proposed amendments per my conversations with Chairman Jenkins for your review. These will be taken up at the Commission meeting of Monday, December 9. If you wish to verbally comment on any of the proposed changes prior to the meeting, please contact me.

For your information, the By-Laws presented herein are in their present form with the following changes:

1. ~~Struck-through~~ language is present language that is being deleted.
2. Underlined language is new language that is being added.

Please call me with any comments or questions you may have.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

BY-LAWS

Adopted Tuesday May 20, 1980

J. C. Gilbert

Chairman

ARTICLE I

COMMISSION OFFICE

1. ~~The specific location of the principal office of the Louisiana Wildlife and Fisheries Commissioners shall be 400 Royal Street, New Orleans, Orleans Parish, 2000 Quail Drive, Baton Rouge, Louisiana as established by Title 56 of the Louisiana Revised Statutes.~~
2. The Commission at its discretion, may from time to time, hold meetings at any other location within the State of Louisiana after proper notice.

ARTICLE II

REGULAR MEETINGS

1. The Commission shall hold regular monthly meetings at a place, date and time properly noticed in accordance with the Louisiana Open Meeting law.

REGULAR SPECIAL MEETINGS

1. Special meetings of the Commission may be called by the Chairman, at his discretion, and shall be called by the chairman upon written request of any four members. The notice of each special meeting shall state the purpose for which it is called, and only those matters shall be considered that have been included in the call, unless every member of the

Commission is present at the called meeting and a quorum of the Board agrees to take up other matters.

2. The chairman, shall cause written notices of the time and place of special meetings to be mailed, or hand delivered, to each member, at the addresses as they appear in the records of the Commission, at least three days before the day on which the meeting is to be held, or shall communicate the notice of such meetings to the members by telegram or telephone not later than 24 hours before the meeting is to be held.

ATTENDANCE OF THE SECRETARY OF THE DEPARTMENT OF WILDLIFE AND FISHERIES

1. The Secretary of the Department of Wildlife and Fisheries shall attend all meetings of the Commission unless excused, or directed by the Commission not to attend, or unless other appropriate staff alternates, acceptable to the Commission by prior arrangement, are designated by the Secretary to attend.

ARTICLE III

QUORUM - MINUTES

1. The attendance of four members at any meeting shall constitute a quorum for the transaction of all business.
- ~~2. A tentative draft of the minutes of each meeting shall be submitted to each Commissioner within fifteen days after such meeting.~~

2. Final minutes will be available to Commission members ~~not~~ later than as soon as possible before the next regular meeting.

ARTICLE IV

ELECTION OF OFFICERS AND APPOINTMENTS

1. Officers shall be elected annually at the regular meeting of the Commission in December, at which the members shall elect, from among their own number, a chairman and a vice-chairman, to hold office for one year, or until their successors are elected. The Board shall not be bound by any particular order of succession in the nomination of member for election to office.
2. In case a vacancy shall occur among the elected officers, due to death, resignation, or other cause, an election shall be held, at a regular or special meeting, to fill the vacant office for the unexpired portion of the term.
3. Within the terms of their respective appointments, any member elected on one of the above offices who shall have served in such office for one term, shall be eligible to succeed himself.

ARTICLE V

DUTIES OF THE CHAIRMAN

The powers and duties of the chairman shall be:

1. To preside as chairman at all meetings of the Commission, with the right to vote on all questions.
2. To see that the laws of the State, pertaining to the purpose and functions of the Commission, the Ordinances of the Commission and its policies are faithfully observed and executed.
3. To call special meetings of the Commission, at his discretion, or upon the written request of four members.
4. To establish committees and appoint members thereof, at his discretion, as he deems necessary to carry out the business of the Commission.
5. To serve as an ex-officio member of all committees.
6. To perform such other duties as are usually incumbent upon the chairman of the Wildlife and Fisheries Commission.

ARTICLE VI

DUTIES OF THE VICE CHAIRMAN

1. Whenever the chairman is absent from any regularly scheduled meeting, his duties shall be performed by the vice-chairman. Whenever the chairman is absent from a special meeting called by him, upon his own initiative, or upon written request of four commissioners, his duties shall be performed by the vice-chairman. The vice-chairman may not assume the duties of the chairman for the purpose of calling a special meeting when the

chairman is temporarily absent from the State, or when the chairman is temporarily incapacitated through illness, or otherwise, unless the chairman of the other five members, direct the vice-chairman to assume the office of the chairman for the purpose of calling such special meeting.

2. Whenever the chairman's absence from the state, or his incapacity due to illness, prevents him from handling routine, but necessary Commission business, at time other than at Commission meetings, such business shall be handled by the vice-chairman.

ARTICLE VII

COMMISSION COMMITTEES:

The following named committees shall be permanent standing committees. All members shall be appointed by the chairman and shall serve at his pleasure. Additional committees may be added by a majority vote of the Commission members at a regular or special meeting.

- 1) Hunting Regulations Committee
- 2) Minerals Committee
- 3) Sports & Commercial Fishing Committee
- 4) Oyster and Shrimp Committee
- 5) Wildlife Management Area Committee
- ~~6) Wildlife & Fisheries Committee, General Purpose~~
- 7) Budget Committee

ARTICLE VIII

AGENDA AND ORDER OF BUSINESS

The Secretary shall prepare and submit to the Commission an agenda covering the items of business to be considered and acted upon at each meeting of the Commission including those items enumerated by the chairman. The Commission may consider such other matters as may properly be brought before it. The order of business may be altered by the Commission at its discretion.

At lease 3 days prior to each meeting, the staff, under the direction of the Secretary, shall provide each Commission member with full explanations and back-up material and information on each item to be presented at the meetings.

ARTICLE IX

RULES OF ORDER

Robert's Rules of Order shall be the parliamentary authority for all matters of procedures of this Commission not otherwise covered in these By-laws.

AMENDMENT OF BY-LAWS

These By-laws may be altered or amended at any regular meeting of the Commission by a majority vote of the commissioners present at the meeting. However, no such alteration or

amendment shall be considered unless (a) notice of the intention to alter or amend the By-laws shall have been given in writing at a previous meeting of the Commission, and (b) a draft of the proposed alteration or amendment shall have been sent to each member of the Commission at least forty eight hours in advance of the meeting at which action on such alteration or amendment is to be taken.

#993⁰²/ac.

Fact Sheet
Bayou de Chene (a.k.a. Ouachita Ravines)

Location: Caldwell Parish

Size: 3125 acres

Owner: Riverwood Industries

Significance: One of the largest, undisturbed mature upland hardwood forests remaining in Louisiana; the largest forest in natural condition remaining on the Ouachita escarpment. More than 80% of this forest type has been converted to pine plantations. The site includes upland hardwood (southern red oak, sweetgum, black oak, cherrybark oak, hickory, white ash) and bottomland hardwood forest types. Some of the loblolly pine trees observed on the site are in excess of 100 years old. The terrain is very rugged, and harbors habitat for numerous state-rare plant species. According to the Bayou de Chene Hunting Club, populations of game species of wildlife are high. The area is rich in upland game species, including deer and squirrels. According to Danny Timmer, LDWF's turkey study leader, the site is ideal turkey habitat. Additionally, LDWF has in receipt some 20 letters from local residents (including Bayou de Chene Hunting Club) supporting the acquisition of this site.

Appraised value: \$2,593,910

Owner's lowest acceptable price: \$3,103,301 (19.6% over appraised value)

Recommendation: Purchase of tract for asking price **OR** purchase of tract for \$2,981,950 (15% above appraised value) and allow Riverwood to remove pulpwood from 322-ac 13-yr-old pine plantation, valued at approx. \$122,000) **OR** allow LDWF additional time for reappraisal of raw land (ca. 4 weeks).

Justification: 1) The size of the tract and the ecological significance of the site make it unique
2) Excellent site for LDWF's turkey release program
3) Raw land appraised for only \$150/ac is considered low by LDWF personnel. Appraiser deducted considerably due to ruggedness of terrain, yet logging costs are only approximately \$10/ac more due to steepness of slopes.
4) Timber appraisal used only 2.5% cruise. Riverwood's timber appraisal was at 10% cruise. Amount of timber may be significantly more than appraisal indicates. Additionally pine sawtimber value has increased approximately 10% since the site was appraised.
5) Currently approximately 283,900 acres (40%) of LDWF-owned land is bottomland hardwood habitat, 418,680 acres (59%) is coastal marsh, and only 9,900 acres (1%) is upland habitat.

(copy to file)
Transition Team

Edwin Edwards

Sports and Commercial Fisheries Management Platform

"The primary goal of this platform is to assure protection of our renewable biological resources, and to promote and protect the recreational and commercial use of Louisiana's natural lands and fisheries."

Edwin Edwards

September, 1991

Specific Policy Recommendations

1. Creation of a Seafood Finance Authority to help expand the availability of credit from Louisiana financial institutions for the seafood processing and packaging industries. In addition to assistance in securing additional credit for the industry, the Authority will also be charged with undertaking special finance and marketing studies to encourage expansion of the seafood industries to provide jobs and economic security.
2. Provide leadership necessary to develop an equitable Fisheries Management Program including, but not limited to, the following:
 - A. Expanding membership of the Fisheries Task Force to include representatives of both recreational and commercial fishing interests, elected officials, universities, state agencies, restaurants, and consumers.
 - B. Establishing the timely development of a comprehensive fisheries policy as the primary mission of the Fisheries Task Force.
3. Provide strong support and appropriate funding for marsh management and river diversion projects in order to ensure protection of Louisiana coastlines and estuaries. This policy will have as a central goal the preservation of our fish and wildlife resources.

4. Reestablishment of Wildlife & Fisheries research laboratories and three Field Stations, closed by the current administration, at Sister Lake in Terrebonne Parish, Bay Gardens in Plaquemines Parish and the Grand Terre - Grand Isle in Jefferson Parish.
5. Reinstitute the previously existing strong state policy for acquisition of land for use by sportsmen and the general public. This policy would include placing the management of these new areas under the Department of Wildlife and Fisheries and dedicating the land for public use in perpetuity.
6. Appointment of a Conflict Resolution Commission to review and mediate conflicts between commercial and recreational interests, and to explore the desirability of separate recreational and commercial divisions within the Department of Wildlife and Fisheries.
7. Charge the Enforcement Division of the Department of Wildlife and Fisheries with new responsibilities for public education. Because of the complexity the constantly changing regulatory environment, wardens should be encouraged to play a lead role in the development of innovative programs for educating the public and those who wish to use areas managed by the Department within current rules and regulations.
8. Appoint Wildlife and Fisheries Administrators *from Louisiana* who have the education and management experience to lead the Department into the future.
9. Encourage the expansion of locations for the acquisition of all licenses required for the use of land managed by the Department of Wildlife and Fisheries. Commercial and recreational licenses should be sold in locations more convenient to users in locations such as New Iberia, Bourge, Lake Charles and in other areas.
10. Provide for a fisheries liaison in Washington, D.C. whose purpose would be to monitor congressional committees, federal laws and regulations, and serve to represent the interests of Louisiana fisheries. The liaison would work to make sure Louisiana gets a fair share of Federal fishery dollars and to promote programs that benefit state fisheries.
11. Order the completion of a comprehensive study to document the impact of potential by-catch regulations in order to determine the economic and social impacts to the shrimping industry that new by-catch regulations might create.
12. Address and correct production problems of Louisiana oyster beds by:
 - A. Creating new policies to address the discharge of improperly treated domestic wastes in the vicinity of shellfish-growing waters;
 - B. Using the assets and expertise in the Department of Health and Human Resources to monitor and aggressively control raw sewage and other environmental threats to fisheries;
 - C. Restore and enhance programs to provide funds for planting oyster shells in seed grounds on an annual basis.

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ATLANTIC SWORDFISH: A CRISIS WITHOUT FINALE

The following article is based on a "Review of United States Actions to Manage Atlantic Swordfish" by NCMC Executive Director Ken Hinman, presented at the Symposium on Management of Highly Migratory Atlantic Swordfish, 121st Annual Meeting of the American Fisheries Society, September 11, 1991, San Antonio, Texas.

No fish better illustrates what's wrong with United States management of ocean fisheries than the Atlantic swordfish. It has all the ingredients that make managing pelagic fisheries so difficult: jurisdictional problems, gear conflicts, bycatch, uncertainties about the science, industry resistance to regulation and political interference. Or put another way, it embodies everything we have to overcome in order to make fisheries conservation work.

Perhaps anticipating this, the National Coalition for Marine Conservation chose the swordfish for its logo in 1975. You might say we've had a proprietary interest in the fate of swordfish for the last 16 years.

The U.S. has been trying to manage Atlantic swordfish for almost as many years, but without success. On June 12th of this year the Secretary of Commerce implemented a six-month emergency management program to protect a resource the National Marine Fisheries Service (NMFS) says is "severely overfished" and in "critical condition." These emergency regulations were the first-ever limits on the Atlantic swordfish fishery - even though the purpose of fisheries management is to *prevent* overfishing; even though the first signs of overfishing were evident in the early 1980s; and even though measures to conserve swordfish were proposed numerous times since then.

So this is the vantage point from which we look back at the history of U.S. efforts to manage swordfish. It's a tale of opportunities lost. Because no matter how many good reasons there were to take action, there was always an excuse not to.

Ambiguous Authority

Like the protagonist in a Greek tragedy, swordfish management may have been doomed from the beginning because of flaws in its make-up. In 1976, the Magnuson Fishery Conservation and Management Act gave responsibility for managing fish out to 200 miles from shore to eight Regional Fishery Management Councils with oversight by NMFS on

behalf of the Secretary of Commerce. The U.S. tuna industry, accustomed to fishing in the 200-mile zones of other countries, opposed extended jurisdiction and sought to exclude tuna and other highly migratory species - swordfish, billfish and shark - from the law. As a compromise, only tuna were excluded.

This special exemption for tuna fishing would return to haunt swordfish management repeatedly. In fact, shortly after passage of the Magnuson Act, NMFS tried to discourage the councils from preparing a management plan, saying that swordfish should be managed internationally, like tuna. They took this position even though Congress had declared, in passing the Act, that "International fishery agreements have not been effective in preventing or terminating... overfishing."

Work on a fishery management plan began as early as 1978, a joint project of the New England, Mid-Atlantic, South Atlantic, Caribbean and Gulf of Mexico Councils. As the five councils began drafting a plan, there was no immediate cause for concern about the status of swordfish (although catch data were extremely unreliable since the fishery had been underground during the FDA mercury ban in the 1970s). Still, because the fishing capacity of the domestic fleet was increasing rapidly - more efficient longline gear was replacing traditional harpoons which in turn enabled the fishery to spread from New England into new southern fishing grounds - the councils began developing a framework for swordfish management.

In the late 1970s/early '80s, Japanese fishermen using longlines to target tuna, but also catching swordfish and other pelagic species, were still very active in U.S. waters, and this complicated early efforts to devise a management strategy. Foreign fishermen weren't allowed to retain swordfish caught in the U.S. zone, under a 1978 preliminary management plan. Nevertheless, Japanese longliners hooked over 8,000 swordfish in 1980 and 5-6,000 of those fish were already dead when returned to the water, according to NMFS.

Government attorneys advised the councils that any measures to conserve swordfish must respect the right of foreign fishermen to fish for tuna in the U.S. zone. The legal term was providing fishermen with a "reasonable opportunity" to catch tuna, but in practice it meant U.S. managers could not implement regulations necessary to conserve swordfish if they restricted tuna fishing in any way. Thus, the management options available to the councils were circumscribed from the outset.



The Trouble Begins

Attempts to implement a swordfish management plan under the Magnuson Act came in two distinct stages, the first from 1983-87 and the second in 1989-90.

As the councils wrestled with the problem of how to control the catch of swordfish without impacting tuna fishing, new information on swordfish landings showed trouble in the fishery. At the start of 1983, the councils had been planning to put a cap on a fishery thought to be fully-exploited. But within the year, they'd revised their plan to reduce landings. The fishery was exhibiting all the classic signs of overfishing: the average size of fish landed was steadily declining; catch rates were dropping off, even though the size of the fleet, its mobility and the efficiency of its gear had all greatly increased; the fleet had to keep moving to new fishing grounds to find large fish; and the least efficient fisheries, harpoon and rod and reel, were disappearing.

The councils' plan was to protect immature fish to increase recruitment. Both from the standpoint of the industry, which would ultimately profit from allowing more small fish to mature, and the resource, which faced spawning stock depletion if overfishing were allowed to continue, regulation of the fishery was crucial. During 1984, the councils completed the first draft swordfish plan. The three goals of the plan were: reduce the catch of small fish to the number caught in 1980; establish a data collection program to keep tabs on the stock and the effectiveness of management; and limit the tuna longline bycatch.

The centerpiece of the plan was a "variable season closure" system. Essentially, it tied region-by-region closures to local catches of immature fish. During a closure, no swordfish could be caught, possessed or imported. All tuna longlining would be restricted to daylight-only to minimize the incidental capture of night-feeding swordfish. Foreign fishing with a bycatch of swordfish would cease after reaching a pre-set limit.

The plan was formally submitted to the Secretary of Commerce for approval on April 29, 1985. Unfortunately, this initial effort at management would be dispatched with a series of crippling blows. What survived, though it would live with the name Fishery Management Plan for Atlantic Swordfish, was little more than a skeleton.

The first blow came in July, when NMFS informed the councils it had "partially disapproved" the plan, a polite way of saying they'd gutted it. Restrictions on foreign fishing were rejected because of interference with tuna fishing. Mandatory observers on certain domestic vessels, including newly introduced drift nets, were rejected, along with reporting requirements. NMFS did approve the closure system, but determined that the dates of the closures should be approved by no less a fisheries authority than the Office of Management and Budget. Already, economic concerns were taking precedence over the health of the resource.

One positive thing NMFS did was designate a single council, the South Atlantic, as the lead body responsible for swordfish management in an effort to streamline the decision-making process. Requiring all five councils to sign off on every measure to be included in the plan was cumbersome, slow and expensive. Still, the South Atlantic Council was

directed to consult with the other four councils in all its decisions affecting swordfish.

1986 brought a flurry of activity, but again to no avail:

- On February 24th, the South Atlantic Council, on behalf of all five councils, resubmitted most of the measures previously rejected but with stronger rationale and documentation. In a new provision, the councils recommended outlawing drift nets altogether.

- Meanwhile, the latest stock assessment completed in April showed that fishing mortality was increasing and that the spawning population had declined 40% since 1978.

- On May 15th, NMFS approved the ban on night longlining and okayed mandatory record-keeping, but rejected limits on foreign catch. A month later, the councils filed a schedule of time/area closures for the fall 1986 fishing season.

- On July 2nd, the Japan Tuna Association sued the Commerce Department over the no-night-longlining provision on the grounds it violated the Magnuson Act's exemption for tuna fishing.

- On September 2nd, NMFS disapproved the closures. The reasons given were the Japanese lawsuit and the impact on American longliners in the Gulf of Mexico, where a mixed tuna/swordfish fishery was rapidly expanding. The plan was left with only the closure framework and a data collection program.

Subsequent attempts to implement the plan the following year would also be rebuffed, this time because of the "adverse impact upon U.S. fishermen fishing beyond our EEZ (200-mile zone)" and the "impact upon U.S. tuna fishing within the EEZ." The closure provision would eventually sunset at the end of 1987, having never been implemented. The swordfish fishery remained unregulated and overfishing continued. Any chance of heading off the disaster to come had been lost. "The saga of the swordfish plan plays on without finale," said NCMC President Chris Weld at the time, "moving from crisis to crisis."

A Turn for the Worse

In 1986, a rift had opened up between the councils and NMFS over the true status of swordfish, stalling any progress on management until it was resolved in 1989. The councils, on advice from staff biologists and their scientific advisory committees, saw the swordfish situation steadily deteriorating. NMFS scientists, on the other hand, were less gloomy, citing uncertainties in the assessment.

Not surprisingly, the position of the NMFS scientists influenced the Secretary's feeling that the councils' requests for strict regulation were an over-reaction. As they considered alternatives to the aborted closure system, the councils were told, in no uncertain terms, that the only conservation measure that would be accepted in Washington would be a minimum size limit; anything more restrictive would be dead on arrival. But the South Atlantic Council had already determined that, since 2 out of 3 fish don't survive the trauma of being caught on a longline, releasing small fish would reduce landings but not mortality and therefore offered little if any conservation benefit. Discussions at inter-council meetings in 1988 centered around whether to even continue to work on a swordfish plan or spend the time more productively.

But things changed drastically in April 1989. NMFS had completed a brand new swordfish study indicating extremely high fishing mortality rates and a more substantial decline in the spawning stock. The previous October, the councils, as a result of their disagreement with NMFS over the science, had agreed to appoint an independent scientific review panel to evaluate the next stock assessment and recommend management objectives. That panel, chaired by Dr. William Fox, later to become head of NMFS, concluded that the northwest Atlantic stock of swordfish was severely overfished: the spawning stock was about a third of what it was 10 years before and the average size of fish caught was down from 115 pounds to less than 60 pounds. The panel suggested sharply reducing fishing mortality to allow the spawning stock to rebuild to the 1978 level within 5 years. Describing an "emergency situation," the panel recommended a drastic 78% reduction in fishing, from over 10 million pounds to 2.4 million pounds a year.

The review panel's assessment of the severity of the situation was undisputed, but, as the councils began to incorporate the panel's recommendation into an amendment to the swordfish plan, the focus quickly shifted to the effect of such severe cutbacks. At a series of public hearings in January and February 1990, commercial fishermen turned out in force to vigorously object to the plan.

Feeling the heat from the fishing industry, and subjected to pressure from certain influential Congressmen on behalf of the industry, the council found it prudent to delay submission of the amended plan and convene yet another independent review panel, composed of scientists with no history in the swordfish controversy, to consider the options for saving the fishery. Meanwhile, the New England Council broke ranks with the other four and joined commercial fishermen in opposing the plan.

In August, the second panel of scientists echoed the conclusions of its predecessor and recommended immediate and substantial reductions in fishing mortality. In order to ease the impact on commercial fishermen, the council voted to phase-in the cutbacks over a three-year period. The plan was to be submitted to the Secretary on November 1, 1990.

But this was still unacceptable to representatives of the fishing industry, who now argued that only ICCAT, the International Commission for the Conservation of Atlantic Tunas, should set swordfish limits. It was unfair, they said, for U.S. fishermen to be regulated when other countries' fishermen were not. They persuaded the House Fisheries Subcommittee to hold a hearing in September on the issue, and action on the U.S. plan was postponed until after the November 1990 ICCAT meeting, where the swordfish decline was to be the principal topic of discussion.

ICCAT Takes Over

Two things happened in November to dramatically alter the course of U.S. management of swordfish. The contentious 1989-90 debate over swordfish coincided with, and shaped, Congressional reauthorization of the Magnuson Act and the Atlantic Tunas Convention Act, the law implementing the ICCAT treaty. Because the tuna exclusion had been an obstacle to swordfish management, and because of the mounting problem of billfish and shark bycatch in tuna

fishing operations, conservationists sought to extend Magnuson Act authority to tuna. The resulting bill, signed by President Bush on November 28th, did include tuna. But under pressure from commercial fishing interests distrustful of the councils, Congress gave authority over tuna and other highly migratory species in the Atlantic to the Commerce Department, not the councils, and then forbid the Secretary from imposing lower quotas than recommended by ICCAT.

The Congressional sponsors of these amendments were, quite frankly, misinformed. First of all, to blame the councils for the swordfish fiasco is a non sequitur. The councils did their job. The tuna exclusion, substitution of judgment by officials in Washington, and steadfast industry resistance kept the U.S. from preventing the severe decline.

Denying the U.S. the ability to take independent action to conserve swordfish, or any other U.S. fishery, makes no sense either. The second panel of scientists to review the status of swordfish was pointedly asked if the U.S. acting alone would help conserve highly migratory swordfish and they agreed that "the stock would generally benefit from rational, unilateral management" such as that contained in the 1990 plan. Moreover, there is no reason to believe that the U.S. taking the initiative with a strong stand on conservation would in any way hurt the chances of getting international cooperation through ICCAT.

At the November 1990 ICCAT meeting, a U.S.-sponsored swordfish agreement was adopted, which turns out to be, pardon the expression, a double-edged sword. While it ensures that swordfish fishing will finally be regulated - although, ironically, it is American fishermen who bear the brunt of the regulation - it now precludes any U.S. efforts to take the stronger action fishery scientists say is needed.

In June 1991, the Secretary enacted emergency measures implementing the ICCAT recommendations, setting a total allowable catch of 6.9 million pounds a year. There is no provision for phasing in further reductions. And because the plan relies heavily on a minimum size limit to reduce catch, mortality will probably be substantially higher, a likelihood NMFS acknowledges. Fish below the minimum size, 1 and 2 year olds, will continue to be hooked on longlines and most of those that are will die. That's why a size limit was repeatedly rejected by the councils and their scientific advisors. NMFS has issued a final rule to replace the emergency regulations with a permanent Secretarial Fishery Management Plan on December 10th. Public hearings will be held this fall.

The Outlook for the Future

There are two scenarios for future U.S. management of swordfish: 1) the U.S. will be a follower, limited to implementing international agreements; or 2) the U.S. will become a leader, seeking ocean-wide cooperation to complement its own initiatives.

Unless there is a change in U.S. policy, the first scenario will prevail and that's not very comforting. Under current law, as it is now interpreted, any domestic action to manage swordfish must carry out recommendations made by ICCAT and no more. Accordingly, the Secretarial Plan implements the 1990 ICCAT recommendations. This plan, unfortunately, does not do nearly enough to halt the decline in the swordfish fishery, and it will likely continue unless more is done.

The prospect of ICCAT taking stronger action is not good, judging by the Commission's record on the only other species it has actively managed during its 25-year history, the bluefin tuna. The bluefin spawning population has declined over 90% since 1970 and it's still shrinking, putting the future of the fishery at risk. ICCAT's own assessments predict the number of medium-age fish will also continue to decrease under present management, meaning that recovery is not in sight.

And yet the ICCAT membership has shown no inclination at all to replace the existing management regime with one that would halt overfishing and hasten a recovery. Even moreso than U.S. fisheries management, ICCAT is driven by the economic interests of its participating members. Management programs must be watered down in order to get a consensus among 22 nations. Furthermore, ICCAT has no regulatory authority to enforce its agreements. Several key fishing nations, such as Taiwan and Italy, do not belong. For the swordfish to languish in this environment could condemn it to the same fate that has befallen the bluefin.

If that were to happen, the fishery for swordfish, which doesn't have near the value per pound of bluefin and therefore can't be sustained in such a depressed condition, would collapse. We've already seen fishermen switch to drift nets and pair trawls to squeeze what's left out of the north Atlantic, or abandon the Atlantic fishery for the Pacific. There are almost no other healthy fisheries to enter or under-utilized species to exploit, so the Atlantic longline fleet, some 500 vessels, will likely direct its effort at tuna and shark, fisheries already overcrowded and stressed to the limit.

Reform U.S. Participation in ICCAT. If ICCAT is going to be persuaded to take a harder line on swordfish, the initiative will have to come from the U.S., and we'll have to push, prod and cajole. But as things stand now, our delegation is not prone to do that. Our effort at ICCAT is handicapped by a lack of leadership, no clear objectives, and inordinate influence from the offshore fishing industry.

If we are to be stuck with ICCAT calling the shots, the best we can do is make an all-out effort to improve the effectiveness of our participation in that body. The situation has begun to improve somewhat under the new leadership in NMFS, but fundamental changes are needed:

- NMFS, and not the U.S. Commissioners, should develop the position to be presented at the annual ICCAT meeting. NMFS is the agency legally responsible for domestic fisheries science and management and should be responsible for ensuring that the national interest in fisheries is represented in international negotiations. Under the present system, three appointed Commissioners make U.S. policy, with guidance from an advisory committee two-thirds of whose members are affiliated with the commercial fishing industry.

- Congress should increase funding to improve the research and data collection programs necessary to formulate and assert U.S. fishery goals. A strong science foundation is a pre-requisite for successfully making a case at ICCAT for the conservation of highly migratory species.

- The U.S. delegation should petition ICCAT to convene its Standing Committee on Research and Statistics (SCRS) at least two months in advance of the annual meeting, instead of the week before. The SCRS makes annual stock assessments and recommendations to the Commission. More lead time is

required to give each member nation a sufficient opportunity to carefully review the latest results with their own scientific and other domestic advisors before discussing and deciding on a position.

- The Administration should use economic leverage appropriate to achieve U.S. conservation goals at ICCAT. The positions of the major fishing nations are based almost solely on economic factors. In order to get concessions at ICCAT, it may be necessary for U.S. negotiators to employ linkage of non-fishery considerations.

Reclaim Our Sovereign Rights. It's important to point out that, even if U.S. actions to conserve swordfish and other highly migratory species weren't bound by ICCAT decisions, these changes would still be needed. The Commission serves a vital function by pooling data on a wide range of Atlantic fisheries, and it's a valuable forum to the extent that it can foster cooperation among nations fishing the Atlantic. Having said that, international agreement should not be the only game in town. The U.S. must be allowed to be more (but not less) restrictive than ICCAT recommendations if and when it's necessary to achieve our conservation goals.

Indeed, if ICCAT doesn't do something soon to save the bluefin tuna, the public may lose all confidence in ICCAT as a management mechanism. There could very well be a backlash that will result in the U.S. reclaiming sovereign authority over its pelagic fisheries.

Regardless, an international body not politically accountable to the American people should not have sole authority to manage resources off our shores. Congress should repeal the 1990 provisions of the Magnuson and Atlantic Tuna Convention Acts that tie the hands of U.S. managers. As a nation, we must take the strongest possible measures to protect the dwindling swordfish population.

A more substantial reduction in fishing mortality is supported by the assessments of both U.S. and ICCAT scientists, who have recommended 78% and 50% cuts respectively. The present ICCAT plan asks for only a 15% reduction. Moreover, the regulations should be written so that the reduction is in fish killed, not fish landed. The minimum size limit should be repealed, or observers put aboard swordfish vessels to count discarded swordfish toward the annual quota.

In conclusion, it should be clear from this review of past U.S. actions that, if swordfish conservation is to succeed under either scenario, we will have to exhibit a stronger political will than we've yet demonstrated. Congress and the Administration must stand behind those they've made responsible for managing marine fisheries and not interfere when those being regulated complain, as they always will. For its part, the fishing industry must support fisheries management, instead of fighting it every step of the way. There is a simple but elusive truth: healthy stocks, producing up to their potential, yield more fish and bring more economic benefit to commercial fishermen, the fishing public and the consumer than depleted stocks.

Finally, we must stop thinking of conservation as just an abstraction. Only when the threat to our fisheries is palpable do we begin to prepare for it. Only when stock depletion is actually upon us do we see it coming. If we persist in thinking like that, things will get worse before they get better, for the swordfish and every other fish in the sea.

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE



A. Kell McInnis III
Secretary

CONTACT
(504) 765-2923

91-168

12/2/91

AMENDED AGENDA FOR COMMISSION MEETING

The next public board meeting as set by the Louisiana Wildlife and Fisheries Commission will be held at 10 a.m. Monday, Dec. 9, in the Louisiana Room of the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge.

The following will be on the agenda:

1. Roll call.
2. Approval of minutes of Nov. 8.
3. Trout Plan.
4. Environmental Group of America.
5. Fish kills.
6. Recognition of Louisiana Duck Stamp program legislation.
7. Update on deer and duck seasons in progress.
8. Set offshore shrimp season closure.
9. Notice of Intent - seismic fee schedule.
10. Update on civil penalties restitution program.
11. Monthly law enforcement report.
12. D.A.'s report.
13. Secretary's report to the Commission.
14. Amendment of bylaws
15. Election of LWFC chairman and vice chairman.
16. Public comments.

December 2, 1991

AMENDED NEWS RELEASE

Approved AKM

AMENDED AGENDA FOR COMMISSION MEETING

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16. Public Comments

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

A. Kell McNnis III
Secretary



CONTACT
(504) 765-2923

91-166

11/27/91

AGENDA FOR COMMISSION MEETING

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15. Public comments.

-30-

16. BYLAWS

Sharyn

Don Pickett
12-2-91

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

A. Kell McInnis III
Secretary



CONTACT
(504) 765-2923

91-166

11/27/91

AGENDA FOR COMMISSION MEETING

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November 27, 1991

NEWS RELEASE

Approved A. Kooler

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State of Louisiana



A. Kell McInnis III
Acting Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898
(504) 765-2800

Buddy Roemer
Governor

November, 27 1991

MEMORANDUM

TO: Chairman and Members of Commission

FROM: A. Kell McInnis III, Acting Secretary *AKM*

RE: December Board Meeting Agenda

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WARREN POL

2. Trout Plan

HOUSTON FORET

3. Environmental Group of America/Cyres Sevin

BERT JONES

4. Fish Kills

DR. ROBERT H. CHABRECK

5. Recognition of Louisiana Duck Stamp Program Legislation
6. Update on Deer and Duck Seasons in Progress

DR. JERRY CLARK

7. Set Offshore Shrimp Season Closure

November 27, 1991
Page 2
Commission Meeting

BETTSIE BAKER

8. Notice of Intent - Seismic Fee Schedule
9. Update on Civil Penalties Restitution Program

COLONEL WINTON VIDRINE

10. Monthly Law Enforcement Report

A. KELL MCINNIS

11. D. A's Report
12. Secretary's Report to the Commission.
13. Election of Chairman and Vice Chairman of LWF Commission

PUBLIC COMMENTS

AKM:sb

C: Bettsie Baker
Robert Chabreck
Jerry Clark
Don Puckett
John Medica
Division Chiefs

State of Louisiana



A. Kell McInnis III
Acting Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898
(504) 765-2800

Buddy Roemer
Governor

November, 27 1991

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BETTSIE BAKER

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Traut Plan?

November 27, 1991
Page
Commission Meeting

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COLONEL WINTON VIDRINE

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A. KELL MCINNIS

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PUBLIC COMMENTS

AKM:sb

C: Bettsie Baker
Robert Chabreck
Jerry Clark
Don Puckett
John Medica
Division Chiefs

11
2

Sharyn

State of Louisiana



A. Kell McInnis III
Acting Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504) 765-2800

Buddy Roemer
Governor

November 7, 1991

Mr. Bobby Simoneaux, Director
Pesticide & Environmental Programs
Louisiana Department of Agriculture
and Forestry
P. O. Box 3596
Baton Rouge, LA 70821-3596

Dear Mr. Simoneaux,

I have requested that an item "Fish Kills" be placed on the agenda for the next monthly meeting of the Louisiana Wildlife and Fisheries Commission which will be held at 10:00 AM, Monday, December 9, 1991 at the Quail Drive office in Baton Rouge.

Since this item will be discussed I would like for you to be in attendance. A copy of the agenda will be sent to you as soon as it is available.

Thank you for your time and cooperation in this matter.

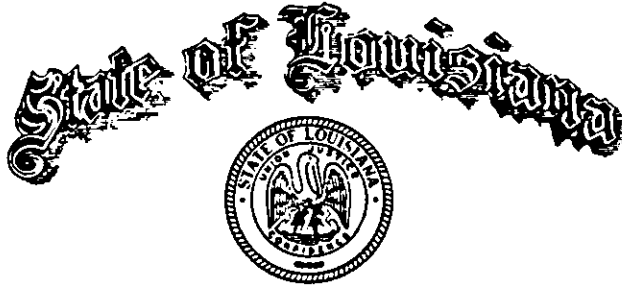
Sincerely,

Handwritten signature of Bert H. Jones.

Bert Jones
Louisiana Wildlife and Fisheries
Commission Member

bj/pb

Agenda Sent 12-3-91 (New Release)



REC'D

NOV 22 91

OFFICE OF WILDLIFE
ASSISTANT SECRETARY

A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

November 8, 1991

M E M O R A N D U M

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
and Assistant Secretary-Office of Fisheries

FROM: A. Kell McInnis III, Acting Secretary AKM

RE: Commission Meeting Agenda - December 9, 1991

Please write on the bottom of this memo and return to Sharyn Bateman by Wednesday, November 20th, any agenda items your office may have for the Monday, December 9th Commission meeting to be held in Baton Rouge, Louisiana, at the Wildlife and Fisheries Building, Quail Drive. This meeting will begin at 10 a.m. on December 9th. If you do not have anything for the agenda, please return memo and indicate so on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda.

Thank you for your cooperation!

ENVIROMENTAL GROUP OF AMERICA

AKM/sb

CYRES SEVIN

C: Don Puckett
Bob Dennie
Winton Vidrine

HOUSTON FORET

RECEIVED
LA. DEPARTMENT OF
WILDLIFE & FISHERIES

NOV 12 1991

ASSISTANT SECRETARY
OFFICE OF FISHERIES



Copy to: *Just*
Bennie F.
Karen F.
John R.

Return agenda items to
me by Nov. 19th.

JC

11/12/91
csq

A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

November 8, 1991

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AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

*Notice of Intent - seismic
airgun fees
K Forte (csq)*

RECEIVED

LA. DEPARTMENT OF
WILDLIFE & FISHERIES

NOV 12 1991

ASSISTANT SECRETARY
OFFICE OF FISHERIES



Copy to: *Just* ←
Bennie F.
Karen F.
John R.

Return agenda items to
me by Nov. 19th.

JC

A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
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BUDDY ROEMER
GOVERNOR

November 8, 1991

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AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine


I have no agenda items for the December meeting - Sharyn
Bennie
DEPARTMENT OF WILDLIFE & FISHERIES

NOV 12 1991

FISH DIVISION

To Sharyn - From Don

State of Louisiana



A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

November 8, 1991

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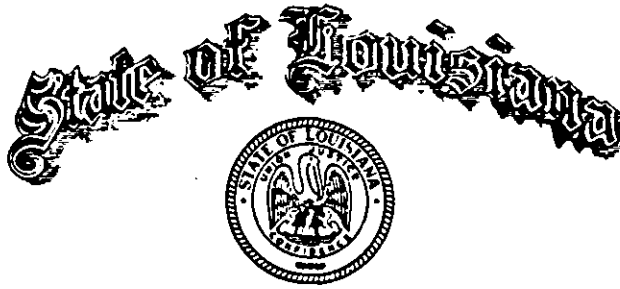
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AKM/sb

C: Don Puckett ✓
Bob Dennie
Winton Vidrine

Sharyn - Under Marine Fisheries -
N/I - spotted seatrout
Notice of Public Hearing
Having Public Hearing
11-25-91
will not have to go
before Com. again
on this bill



RECEIVED

NOV 12

INFORMATION &
EDUCATION DIV.

BUDDY ROEMER
GOVERNOR

A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

November 8, 1991

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AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

11/14/91
I+E has nothing.
BD



A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

November 8, 1991

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AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

NOI

McInnis for Schedule

Bittner

11/12/91

State of Louisiana



A. Kell McInnis III
Acting Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504) 765-2800
November 22, 1991

Buddy Roemer
Governor

MEMORANDUM

TO: A. Kell McInnis
Acting Secretary

FROM: *TP* Tommy Prickett
Fur and Refuge Division

SUBJECT: Commission Meeting Attendance

Please be advised that I will be representing Fur and Refuge Division at the December commission meeting.

If you have any questions, please contact me.

TP:dsg

State of Louisiana



A. Kell McInnis III
Acting Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504) 765-2800

Buddy Roemer
Governor

November 22, 1991

M E M O R A N D U M

TO: Kell McInnis, Secretary

FROM: Hugh A. Bateman, Administrator, Game Division *HAB*

SUBJECT: December 9th Commission Meeting

Game Division will have 3 people in attendance at the December 9th Commission Meeting:

- 1) Bob Love; Land Acquisition
- 2) Dave Morrison; Louisiana Duck Stamp Program
- 3) Hugh Bateman; Hunting Seasons Update

HAB:jh

cc. Dr. Chabreck
Dave Morrison
Bob Love



A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
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PHONE (504) 765-2800

JOHNNIE
BUDDY ROEMER
GOVERNOR

November 8, 1991

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Thank you for your cooperation!

Attending LWFC

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

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LA DEPARTMENT OF
WILDLIFE & FISHERIES

NOV 12 91

HABITAT
CONSERVATION

JWT Arma

Blue Watson - Seismic discussion

Gay Lester - Seismic discussion



A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
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BUDDY ROEMER
GOVERNOR

November 8, 1991

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Winton Vidrine



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BUDDY ROEMER
GOVERNOR

November 8, 1991

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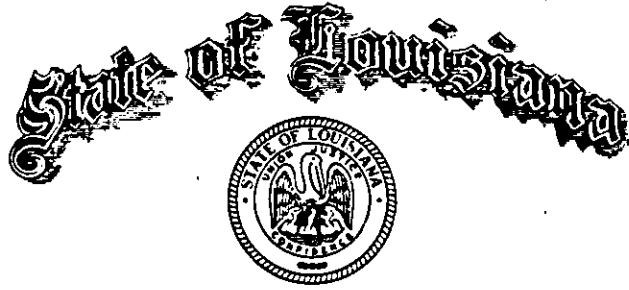
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Winton Vidrine



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GOVERNOR

November 8, 1991

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State of Louisiana



A. Kell McInnis III
Acting Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504) 765-2800
November 22, 1991

Buddy Roemer
Governor

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FROM: *TP* Tommy Prickett
Fur and Refuge Division

SUBJECT: Commission Meeting Attendance

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REC'D

NOV 25 91

OFFICE OF WILDLIFE
ASSISTANT SECRETARY

State of Louisiana



A. Kell McInnis III
Acting Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504) 765-2800

Buddy Roemer
Governor

November 22, 1991

M E M O R A N D U M

TO: Kell McInnis, Secretary
FROM: Hugh A. Bateman, Administrator, Game Division *HAB*
SUBJECT: December 9th Commission Meeting

Game Division will have 3 people in attendance at the December 9th Commission Meeting:

- 1) Bob Love; Land Acquisition
- 2) Dave Morrison; Louisiana Duck Stamp Program
- 3) Hugh Bateman; Hunting Seasons Update

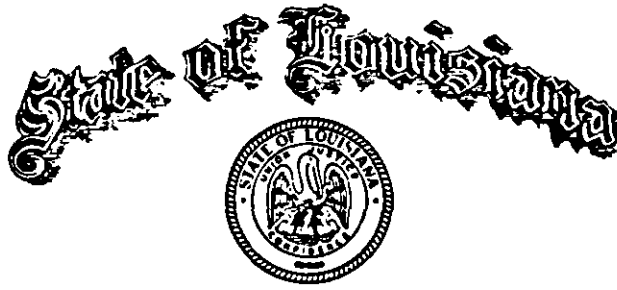
HAB:jh

cc. Dr. Chabreck
Dave Morrison
Bob Love

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OFFICE OF WILDLIFE
ASSISTANT SECRETARY



*Johnnie
Chabriel*

A. Kell McInnis, III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

November 8, 1991

M E M O R A N D U M

TO: Undersecretary, Assistant Secretary-Office of Wildlife,
and Assistant Secretary-Office of Fisheries

FROM: A. Kell McInnis III, Acting Secretary *AKM*

RE: Commission Meeting Agenda - December 9, 1991

Please write on the bottom of this memo and return to Sharyn Bateman by Wednesday, November 20th, any agenda items your office may have for the Monday, December 9th Commission meeting to be held in Baton Rouge, Louisiana, at the Wildlife and Fisheries Building, Quail Drive. This meeting will begin at 10 a.m. on December 9th. If you do not have anything for the agenda, please return memo and indicate so on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda.

Thank you for your cooperation!

Attending LWFC

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

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HABITAT
CONSERVATION

JWTasne

Blue Watson - Seismic discussion
Gay Lester - Seismic discussion

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